

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 14, 2004

Tuesday, 9:12 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Mayor Mayans gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, Staff, and guests.

The Minutes of the December 7, 2004 Meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS:**SERVICE AWARD****DISTINGUISHED SERVICE AWARD-BARBARA MEANS.**

Barbara Means was presented with a service award.

RECOGNITION**RECOGNITION OF EMILY JOHNSON-WICHITA/CANCUN SCHOOL SUPPLIES DONATION PROJECT.**

Mayor Mayans recognized Dr. Green and Emily Johnson.

CONSENT AGENDA

Council Member Fearey Council Member Fearey requested that Items 11i. and 13a. be pulled for discussion.

Council Member Brewer Council Member Brewer requested that Item 22 be pulled for discussion.

Motion-- Mayans moved that the Consent Agenda be approved as consensus Items excluding Items 11i, 13a and
--carried 22. Motion carried 7 to 0.

BOARD OF BIDS**REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 13, 2004.**

Bids were opened December 10, 2004, pursuant to advertisements published on:

Wichita Public Pool Site Lighting Improvements (nine public pool sites in City parks) (472-84002/785041/785042/394173/394174) Does not affect existing traffic. (Districts I,II,III,IV,V,VI)

Kansas Electric - \$100,810.00

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Storm Water Drain #245 to serve Fox Ridge Addition (north of 29th Street North, west of Tyler) (468-83929/751385/485276) Does not affect existing traffic. (District V)

Jayhawk Contractors - \$149,999.99

Water Distribution System to serve Falcon Falls Addition (south of 53rd Street North, west of Hillside) (448-89770/735224/470894) Does not affect existing traffic. (District I)

Wilks Underground - \$23,550.00

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Webb Road Pump Station Roof Project.

Roofmasters Roofing Co. - \$77,887.00 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT AND FLOOD CONTROL DIVISION: 24" Rip-Rap (Crushed Stone).

Jayhawk Contractors - \$116,560.00 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Reversing Snowplow & Material Spreader.

Truck Parts & Equipment - \$26,420.00 (Group 1 total net bid)

Murphy Tractor & Equipment Co. Inc. - \$21,600.00 (Group 2 total net bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Trailer Mounted 185 C.F.M. Air Compressor.

White Star Machinery & Supply - \$11,420.00 (Base bid)

\$ 215.00 (Group 1/option 1)

\$ 285.00 (Group 1/option 2)

PUBLIC WORKS DEPARTMENT/STREET AND FLEET MAINTENANCE DIVISIONS: Concrete Saw.

M6 Concrete Accessories Co., Inc. - \$24,930.00 (Group 1 total net bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Excavator, Loaders, Roller, Tractor, Tractor Trailer and Boring Unit.

Sellers Tractor Co., Inc. - \$65,682.00 (Group 1 base bid)

\$.00 (Group 1/option 1)

\$ 2,637.00 (Group 1/option 3)

\$.00 (Group 1/option 4)

\$ 594.00 (Group 1/option 5)

\$ 2,383.00 (Group 1/option 7)

\$ 400.00 (Group 1/option 9)

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Foley Equipment Co., Inc. -\$81,906.00 (Group 2 base bid)
\$ 1,779.00 (Group 2/option 1)
\$ 1,699.00 (Group 2/option 3)
\$5,700.00 (Group 2/option 5)
<-\$17,000.00> (Group 2/option 6 deduct)

White Star Machinery & Supply -\$15,025.00 (Group 3 base bid)
\$ 1,104.00 (Group 3/option 1)
\$ 3,060.00 (Group 3/option 2)
\$1,198.00 (Group 3/option 3)

Foley Equipment Co., Inc. - \$24,999.00 (Group 4 total net bid)

United Rentals Inc. - \$66,428.00 (Group 5 base bid)
\$ 7,232.00 (Group 5/option 1)

White Star Machinery & Supply -\$19,908.02 (Group 6 base bid)
\$ 1,104.00 (Group 6/option 1)
\$ 956.80 (Group 6/option 3)
\$ 694.14 (Group 6/option 5)

Conrady Western Inc. - \$15,054.00 (Group 7 base bid)
\$ 400.00 (Group 7/option 2)
<-\$6,350.00> (Group 7/option 3 deduct)

Berry Tractor & Equipment Co. -\$129,999.00 (Group 8 base bid)
\$ 3,889.00 (Group 8/option 1)
\$ 1,200.00 (Group 8/option 2)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Air Conditioner/Air Handler Replacement.

Professional Mechanical Contractors - \$43,875.00 (Group 1 total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Various Parts for Mayno Pumps.

JCI Industries, Inc.* - \$29,498.45

*Purchases utilizing Sole Source of Supply (Ordinance No.35-856, Section 2. (b.)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSE

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT /ESTABLISHMENTS/SERVICES:

Renewal Adult Entertainment

Leilani Webb

Frolix

4730 South Broadway

Motion--
--carried

Mayans moved that the license subject to Staff review and approval be approve. Motion carried 7 to 0.

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CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
W. Kent Myer Mike Ryan	Sim Park Golf Course* Ryan Boys North Inc. --dba as Two Brothers BBQ*	2020 West Murdock 3750 North Woodlawn
<u>New</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Mike Ryan	Ryan Boys North Inc. --dba as Two Brothers BBQ*	8406 West Central
Tonh Luangrath	Buffet Delight, Inc.*	3205 East 31st Street South
<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Keith V. Dang Jim Steindler Van T. Ho	C & C Store Gotta Stop Lee's Convenience Store	1131 East 47th Street South 5600 West MacArthur 2828 East 21st Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

PRELIM ESTS.

PRELIMINARY ESTIMATES:

- a) 2004 wheelchair ramp & sidewalk, Phase 3 (Arterial Sidewalk) - north of 47th Street South, east of Broadway. (472-83966/706879/204345) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III) - \$50,000.00
- b) 2004 sanitary sewer reconstruction Phase 7 - manholes in 29th Street North from St. Francis to Ohio. (468-83843/620408/664528) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$221,000.00
- c) Lateral 33, Main 1 Westlink Interceptor Sewer to serve Evergreen Addition - north of Maple, east of Tyler. (468-83804/744061/480749) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$176,550.00
- d) 2005 utility cut repair of streets, driveways and sidewalks - north of 71st Street South, east of 167th Street West. (472-84127/132035/620398/_/664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V, VI) - \$1,718,000.00
- e) Enhanced maintenance asphalt mill & overlay - north of 31st Street South, east of Broadway. (472-84129/706648/405218) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III) - \$397,324.20
- f) 2004 contract maintenance preparatory curb & gutter repairs - north of 55th Street South, east of 135th Street West. (472-83928/132716/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V, VI) - \$200,000.00
- g) Enhanced maintenance area concrete repairs - north of 33rd Street South, east of Meridian. (472-84130/706648/405218) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$62,056.80

Motion--carried

Mayans moved that the Preliminary Estimates be approved. Motion carried 7 to 0.

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DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Sanitary Sewer Easement dated November 9th, 2004 from First United Pentecostal Church, Inc., for a tract of land located in the east 5 acres of the north 20 acres of the W 1/2 of the NW 1/4 of Sec. 15, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas (OCA# 607861). No Cost to City
- b) Utility Easement dated October 26th, 2004 from Wilson Farms Residential Master Association, A Kansas Not-for-profit Corporation for a tract of land lying in the Southerly portion of Reserve "A", Brighton Courts Addition, Wichita, Sedgwick County, Kansas (OCA# 607861). No Cost to City
- c) Public Utility Easement dated October 28th, 2004 from Word of Life Ministries, Inc. for a tract of land located in S.E. Corner of Section 25, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 607861). No Cost to City
- d) Sanitary Sewer Easement dated November 15, 2004 from Ronald S. Palecki and LeaAnn Palecki for a tract of land located in Lot 34, Westfield Acres, Wichita, Sedgwick County, Kansas. (OCA# 744076) No Cost to City
- e) Drainage and Utility Easement dated November 24, 2004 from Prairie Pointe Development L.L.C. for a tract of land located across a portion of Lots 24 thru 26, Block 1, Prairie Pointe, an addition to Wichita, Sedgwick County, Kansas (OCA# 744074) No Cost to City
- f) Sanitary Sewer Easement dated November 30, 2004 from Steven L. Gardner for a tract of land lying in the Southwest Quarter of the Southwest Quarter of Section 2, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 744056) No Cost to City

Motion--carried Mayans moved that the documents be accepted. Motion carried 7 to 0.

COST STATEMENTS STATEMENTS OF COST:

- a) Maple, Maize to 119th Street West. Total Cost - \$2,414,327.21; (less idle fund interest - \$6,269.13, - plus temporary note financing - \$10,964.07; less KDOT reimbursements - \$1,636,861.15; less financing previously issued - \$0; less interfund transfers - \$741,000.00). Financing to be issued - \$41,161.00 (706772/472-83092/209-233).
- b) West Douglas Streetscape (2000 Arterial Design). Total Cost - \$230,918.57 (plus idle fund interest - \$1,551.43; temporary note financing - \$0; less KDOT reimbursements - \$0; less financing previously issued - \$12,000.00; less interfund transfers - \$205,000.00). Financing to be issued - \$15,470.00 (706825/472-83148/201-291).

Motion--carried Mayans moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

CONTS/AGRMNTS CONTRACTS & AGREEMENTS; PROFESSIONAL CONTRACTS UNDER \$10,000 AND ANNUAL MAINTENANCE CONTRACTS OVER \$10,000 FOR NOVEMBER 2004.

Motion--carried Mayans moved that the report be received and filed. Motion carried 7 to 0.

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EXPENSE RPT.

EXPENSE FOR SENIOR MANAGEMENT FOR MONTH OF OCTOBER 2004.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

COBRA 2005/2006

COBRA ADMINISTRATOR FOR 2005/2006.

Agenda Report No. 04-1194

COBRA is a federal law that requires most employers with group health plans to offer employees the opportunity to continue their group health plan coverage if they retire, resign or otherwise leave employment with the City of Wichita. COBRA regulations require insurance coverage for covered employees as well as their spouses and dependents up to 18-36 months, dependent on the "qualifying event". The initial notice and qualifying notice are required by the U.S. Department of Labor. Failure to provide the notices in a timely manner can subject the City to fines of \$110 per day per participant. Moreover, the mishandling of the federally required notices is a potentially significant source of litigation and liability for group health insurance plans. The notices typically consist of a cover letter to the qualified beneficiary explaining their COBRA rights and obligations as well as an election form, premium schedule with payment and notice deadlines. In the past COBRA administration has been provided by Preferred Health Systems. On October 12, 2004, the City Council accepted the recommendation of the Health Insurance Advisory Committee to award the 2005/2006 health insurance program to Coventry Health Care of Kansas, Inc. It has been determined that Coventry Health Care does not provide COBRA administration services. Accordingly, City Staff requested the City's health and benefit consultant, Hilb, Rogal & Hobbs to solicit competitive proposals from qualified COBRA administrators for 2005/2006. A total of four written proposals were received: Altus Benefit Administrators; Benefit Concepts; Benefit Strategies and Conexis.

Representatives from the City's health and benefit consultant, Hilb, Rogal & Hobbs, the Personnel Office and the Department of Finance reviewed the proposals for COBRA administrator. The lowest cost proposal of Altus Benefit Administrators is recommended for the following reasons: (1) has the lowest estimated administration fees of \$5,520 per year with a two year rate guarantee; (2) waives the COBRA Basic Set Up fees (City not charged); (3) the monthly participant fee of \$5 per participant per month is lowest fee; (4) has the lowest qualified beneficiary set up fee of \$6 per participant; and, (5) has the lowest premium remittance fee and direct bill administration fee.

The contract would be for an annual administrative fee of \$5,520 plus ongoing COBRA per participant charges for a total estimated contract of \$5,880. Altus Benefit Administrators offered a 24-month rate guarantee. The current number of COBRA participants is 11 and the estimated annual number of COBRA qualifying events is 360/year. Funds are budgeted in the Group Health Insurance Fund to pay for a COBRA Administrator.

Motion--

Mayans moved that the proposal of Altus Benefit Administrators to be the City's COBRA administrator for 2005/2006 be approved, the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ANNE FRANK

ANNE FRANK TRAVELING EXHIBIT.

Agenda Report No. 04-1195

Continuing a practice of incorporating one major exhibit into the program schedule each year, the Wichita Public Library has selected "Anne Frank: A History for Today" from The Anne Frank Center USA, Inc. in New York City as its featured exhibit for 2005. The exhibition is tentatively scheduled to be available to the community during April 2005.

The Library has successfully hosted traveling exhibitions in the past, most recently with "Listening to the Prairie: Farming in Nature's Image" (2002) and "At the Controls: The Smithsonian National Air and Space Museum Looks at Cockpits" (2004). As the department has gained experience with these events, exhibitions have been expanded to include tours and related programs. Preliminary plans for the Anne

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Frank event include group tours of the exhibition, lectures, films, book discussions and author presentations. These plans have been developed with assistance from the Mid-Kansas Jewish Federation, Arts Partners and USD 259. Once the exhibition loan agreement has been completed and the dates confirmed, program plans will be finalized.

The rental fee for the exhibition is \$3,000. The Wichita Public Library Foundation will provide funding for the exhibition.

Motion--
--carried

Mayans moved that the exhibition loan agreement and budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

LEXISNEXIS

LEXISNEXIS CONTRACT RENEWAL-LEGAL RESEARCH DATA SERVICE.

Agenda Report No. 04-1196

In 2001, the Law Department migrated from the West CD research system to flat-rate online Westlaw research packages, to resolve logistical problems with adjusting for the growing number of CDs, and to obtain more up to date information. In early 2003, the Department contacted a Westlaw representative to explore potential changes to keep the research access within budget, but learned that Westlaw was proposing a 20% price increase, without alternatives. This proposal could not be accommodated within the Department's available budget, and so the Law Department researched alternative systems of other vendors, to locate a package of comparable functionality in a workable cost range. This resulted in a shift to the Lexis/Nexis research system in July 2003, at a flat rate of \$1689/month, which was less than the Westlaw rate the Law Department had paid, and avoided the 20% increase. The Department has managed the transition well, as the content and function of the Lexis/Nexis system were substantially similar to Westlaw in many respects.

The existing Lexis/Nexis contracts expire this month. Lexis/Nexis is willing to extend for three years (subject to annual appropriations, for Budget Law and Cash Basis Law purposes), with no increase in price in 2005, and with a limited increase to a flat rate of \$1723/month for 2006 and 2007. As an annualized increase, 2006 and 2007 cost would each be \$408 higher than 2005 cost. This increase is the first sought by Lexis/Nexis since the Law Department shifted to that service in July 2003. The proposed 2006 and 2007 monthly rates would still be below the \$1984.75/month Westlaw charged prior to the July 2003 transition to Lexis/Nexis. Law Department also checked rates with Westlaw, and learned that Westlaw would offer \$1679.70/month for 2005, subject to possible discount to \$1602.82/month (but which discount would be subject to future fluctuation) if bundled with West print products in the Law Department library. This proposal would have involved switching nearly half of the Law Department's attorneys to a much more limited access plan, and also was tied to a 4% increase for 2006 and an additional 4% increase in 2007, such that even if the discount for bundled print products remained constant, monthly cost in 2007 would be higher than under the Lexis/Nexis proposal, for lesser access packages. (Discounted Westlaw rates for the access packages most equivalent to current Lexis access would have been \$1719.02/month for 2005, \$1787.75/month for 2006 and \$1859.29/month for 2007). The 4% annual increases projected by Westlaw also do not fit well with normal Budget standards, which favor limiting percentage increases to 2%, two years out from the current year. Because the pricing alternatives offered by Westlaw and Lexis/Nexis were reasonably close, and due to some nervousness over the prior 20% increase Westlaw requested in 2003, Law Department recommends renewal of the Lexis/Nexis agreement under the proposed arrangement, rather than a transition back to Westlaw at this time. (Law Department also looked at Loislaw, which is a more recent entry to the computerized legal research field, but found that the Loislaw service, although less expensive, did not provide access to some significant online sources, such as Kansas Administrative Agency decisions like Board of Tax Appeals cases, or the American Jurisprudence legal encyclopedia).

Funds for online research access are budgeted in the Law Department Budget. The 2005 Lexis proposal; would be within the available budget, and the limited increase proposed for 2006 (with no additional increase in 2007) should be manageable within normal budget policies. If funds prove unavailable for the limited increase in 2006, the appropriations clause (contained in the Amendment to Agreement) would allow the City to terminate the contract at that time.

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The proposed online arrangements will provide current information on legal developments, adequate for the Law Department's research needs and at a predictable cost.

Motion--
--carried

Mayans moved that the Lexis/Nexis Subscription Plan Amendment for State/Local Government and the Amendment to Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY-COUNTY

CITY-COUNTY AGREEMENT: HYDRAULIC IMPROVEMENT, BETWEEN 63RD STREET SOUTH AND 57TH STREET SOUTH. (DISTRICT III)

Agenda Report No. 04-1197

Sedgwick County's Capital Improvement Program has included a project to improve Hydraulic, between 63rd St. South and 57th St. South. The adjoining area has been annexed into the City of Wichita. As a result, it is desirable that the City administer the project. The County has acquired needed right-of-way, paid design expenses and will contribute \$500,000 to pay part of the construction cost.

A City-County agreement has been prepared to establish the basis for the payment. Total project authorization will be presented to the City Council for consideration at a later date, following the District Advisory Board hearing.

Payment to the City will be on a lump sum basis of \$500,000 and will be paid upon award of the construction contract.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

MAIN 16

ENCROACHMENT INTO EXISTING EASEMENT FOR MAIN 16, FOUR MILE CREEK SEWER, EAST OF GREENWICH ROAD, SOUTH OF 21ST STREET. (DISTRICT II)

Agenda Report No. 04-1198

The construction and maintenance of Main 16, Four Mile Creek Sewer will require an easement from a property owner. Westar Energy has an existing easement at this same location, east of Greenwich Road along the north side of the abandoned railroad, between 13th Street and 21st Street. Westar has agreed to consent to co-location of Four Mile Creek Sewer within the existing easement.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

REMINGTON THIRD

ENCROACHMENT INTO EXISTING EASEMENT FOR REMINGTON, THIRD ADDITION, EAST OF WEBB ROAD, SOUTH OF 21ST STREET. (DISTRICT II)

Agenda Report No. 04-1199

A paving project in Remington, Third Addition encroaches into an existing easement granted to Westar Energy. This existing easement is located east of Webb Road and south of 21st Street. Westar has agreed to consent to co-location within the existing easement.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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RIGHT OF ENTRY RIGHT OF ENTRY, ROAD IMPROVEMENTS HILLSIDE, KELLOGG TO CENTRAL, (DISTRICTS I AND II)

Agenda Report No. 04-1200

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. In order for the contractor to construct the sidewalk and driveway at the right-of-way line, temporary access must be granted from the property owner. The owner of a property located on South Hillside has consented to needed temporary access and an agreement formalizing the access has been prepared.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

CHENEY WATERSHD WORKING AGREEMENT FOR CHENEY WATERSHED DEMONSTRATION PROJECTS.

Agenda Report No. 04-1201

Cheney Reservoir is a major water supply source for Wichita, currently providing approximately 60 percent of the City's water. On August 24, 1993, City Council approved the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices (BMP) in the watershed above the reservoir

Cheney Reservoir has two significant pollution problems: sedimentation and phosphates. Sediment washes into the reservoir from soil erosion, displacing stored water, and is a major factor in determining the "life" of the reservoir. High phosphate levels can lead to an increase in microscopic plant activity in a lake, which increases taste and odor problems.

A management plan has been approved for the watershed that identifies Best Management Practices to help reduce the pollution entering the reservoir. The Reno County Conservation District and the Citizens' Management Committee are responsible for implementing the recommendations in the Management Plan. The proposed Working Agreement promotes the use of Best Management Practices and establishes procedures for payments to producers who implement the practices. The plan addresses funding the construction of demonstration projects, including terraces, grassed waterways, range and pasture seeding, riparian filter strips and concrete drainage structures.

Incentives are included to use alternate management techniques (nutrient management, conservation tillage, crop rotation, brush control, and planned grazing systems) and to convert land coming out of the Conservation Reserve Program to rangeland by installing water systems, fencing and filter strips. This Agreement additionally includes an incentive program for small community wastewater treatment plants to make voluntarily improvements to improve the quality of their discharge.

All of the practices are voluntary, and allocated funds may not be fully utilized in the fiscal year. Most of the practices are also eligible for funding from an EPA 319 Grant that will provide up to 60 percent of the cost of a BMP project. The City will match the 40 percent that is not covered by federal funds.

Other entities offering cost-share programs include the Kansas Alliance for Wetlands and Streams, the Kansas Water Office and the Kansas Rural Center. These entities have programs that offer 60-70 percent funding for BMP projects; however, installation of fences around sites that were previously enrolled in the Conservation Reserve Program are not currently eligible for funding from any other programs. These fencing projects will be eligible for 50 percent funding from the City of Wichita, with the remaining 50 percent being paid by the landowner. The incentive payment for small municipalities is limited to a one-time payment of \$2,500 per community to match other funding sources and two communities.

CIP W-500, Cheney Watershed Protection Plan, has allocated \$200,000 in 2005 for this effort. The maximum amount the City could spend in FY 2005 for the City's share of the costs for all of the

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practices covered in this Working Agreement would not exceed \$75,600.

Motion--
--carried

Mayans moved that the Working Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

(Item 11i.)
RAIL CORRIDOR

CENTRAL RAIL CORRIDOR-UNION PACIFIC RAILROAD AGREEMENT. (DISTRICT VI)

Agenda Report No. 04-1202

In December 1995, the City of Wichita (and Sedgwick County) became aware of the Union Pacific Railroad's (UPRR) intention to increase train movements through Wichita. The UPRR's proposed merger with the Southern Pacific Railroad (SPRR) gave the UPRR the incentive to utilize its rail lines through Wichita as a north-south mainline between Texas and Wyoming (coal), as well as for grain shipments from Nebraska and other states to ports on the Gulf of Mexico. To implement the merger and the new routings, the UPRR had to receive approval of the Surface Transportation Board (STB).

Protests from the Mayor and City Council against the proposed impact of increased train movements through the City were recognized by the STB as being legitimate and of concern. On August 12, 1996 the Federal STB approved the merger of the UPRR and the SPRRs. In September 1996, the Board directed a comprehensive evaluation of Wichita's problem and possible mitigating actions the STB could require as a part of the approval of the UPRR/SPRR merger.

In November 1997, meetings with UPRR officials began with the goal of negotiating a reasonable settlement that would eliminate the need for the STB to impose its mitigation plan. Because of the impact of both major railroads causing traffic delays, safety concerns, delays to emergency vehicles, air pollution, and other environmental effects, the City of Wichita and Sedgwick County commissioned a study to develop and evaluate solutions to this problem. The study investigated the feasibility of constructing bypass routes around the Wichita metropolitan area, as well as potential improvements to the Central Rail Corridor such as grade separations and rail consolidation with the Burlington Northern Santa Fe (BNSF) railroad lines that also go through Central Wichita. The recommendation of this study was that an elevated corridor should be constructed from Douglas Avenue on the south end to 17th Street North on the north end. Grade-separation will be provided along the BNSF rail corridor at the following arterial streets: Douglas Avenue, 1st Street, 2nd Street, Central Avenue, Murdock Avenue, and 13th Street. Both the BNSF and UPRR will use this facility for through trains.

The elevated rail corridor will be constructed in the BNSF right-of-way. The City Council approved an Agreement with the BNSF for the construction of this project on June 17, 2003.

A copy of the proposed Agreement with the UPRR is attached. It's key features are:

1. The UPRR operations between Douglas and 17th Street will be relocated to the new Central Rail Corridor over trackage and right-of-way owned by the BNSF.
2. The project will result in the abandonment of the existing UPRR tracks from Central to near 11th Street North.
3. To replace existing track storage lost due to construction near 18th Street, additional track storage will be constructed north of 21st Street in the existing UPRR switch yard. This requires the widening of an existing UPRR bridge over Chisholm Creek.
4. Upon completion of the project, four at/grade crossings on the UPRR lines will be eliminated: Murdock, 9th, 10th, and 11th Streets North.
5. The City shall grant an exclusive, perpetual right-of-way easement to the UPRR over City owned property generally located between 17th Street and 19th Streets North. Also, should the UPRR identify the presence of an environmental condition on the property which would adversely impact the railroad's use of the land, the City shall use reasonable efforts to eliminate said condition.
6. The Agreement allows the City to move forward with the construction of the project while the UPRR and BNSF continue to negotiate a required operational agreement.

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At the present time the Central Rail Corridor Project is funded from the following sources: State System Enhancement Funds (\$44.7 Million), Federal TEA-21 Funds (\$26.9 Million), UPRR (\$13.2 Million), and Local Sales Tax (\$14.1 Million).

Council Member Fearey Council Member Fearey stated that she had a question under the analysis #4, regarding where Central was in this and that Chris Carrier explained to her that this is an agreement just with the UP and that at Central it is the BNSF that has a track. Stated that she did not want anyone to think that they have changed the whole elevated rail corridor and are not doing Central.

Motion-- Fearey moved that the Agreement be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

WATERFRONT 4TH DESIGN SERVICES FOR THE WATERFRONT 4TH ADDITION, NORTH OF 13TH STREET EAST OF WEBB. (DISTRICT II)

Agenda Report No. 04-1203

The City Council approved the water distribution system, sanitary sewer and storm water drainage improvements in The Waterfront 4th Addition on November 11, 2004.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of water distribution system, sanitary sewer and storm water drainage in The Waterfront 4th Addition. Per Administrative Regulation 7a, Staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$16,900, and will be paid by special assessments.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

NORTH POINTE WOODLAWN NORTH POINTE ADDITION, SOUTH OF 29TH STREET NORTH, EAST OF WOODLAWN. (DISTRICT I)

Agenda Report No. 04-1204

The City Council approved the water distribution system and sanitary sewer improvements in Woodlawn North Pointe Addition on October 12, 2004.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water distribution system and sanitary sewer in Woodlawn North Pointe Addition. Per Administrative Regulation 7a, Staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$10,200, and will be paid by special assessments.

Motion-- Mayans moved that the Agreement be approved and necessary signatures authorized. Motion
--carried carried 7 to 0.

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(Item 13a.)

ROCK ROAD IMPROVEMENT, BETWEEN 21ST AND 29TH STREET – CHANGE ORDER. **(DISTRICT II)**

Agenda Report No. 04-1205

On May 18, 2004, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve Rock Road between 21st and 29th Streets. A part of the work was planting bermuda grass in the medians. It has been determined that fescue sod is more appropriate for the landscaped medians. Additional thermal crack repair and retaining walls were required. The amount of irrigation system repair was also more than anticipated at the time the project was designed.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The cost of the additional work is \$71,968, with the total paid by a combination of City-at-Large (\$14,394) and Federal Grants administered by the Kansas Department of Transportation (\$57,574). The original contract is \$1,455,771. This Change Order plus previous Change Orders represent 10.2% of the original contract amount.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

- Council Member Fearey Council Member Fearey stated that later the Council is being asked to talk about a lot of water issues and protecting the equus beds and after reading this Item the City is paying more money to put in fescue and more irrigation work on a median, which means we are fertilizing, watering and mowing more. Stated that this concerns her when we are trying to protect our water source and our environment and when we have limited maintenance funds in the public works and park department that we are not actively trying to use the Bermuda grass and the zero scape landscaping.
- Council Member Lambke Council Member Lambke stated that this is something that needs to be considered in every project that is done and that Bermuda fits our annual rain fall a lot better. Sated that he would support continuing with the Bermuda.
- Council Member Gray Council Member Gray stated that he thought that there were measurements to be taken on landscaping to make them lower in maintenance because the park department is beginning to be overcome with having to maintain all of these. Stated that we need to look towards these low maintenance and low on-going cost of landscaping options.
- Chris Carrier Interim Public Works Director explained that for the last few months his department has been working to put together a landscaping policy for city street projects that will hopefully address the concerns and issues that the Council has brought up and concerns and issues that the Water and Sewer Department have brought up. Stated that this policy is nearly complete and the next review step is to take that to the City Manager and let him look at it and to decide what approval process to go through. Stated that the landscaping is not going to go into Rock Road until spring and the reason that they discussed the fescue on Rock Road is because that is what they put on the medians at 21st and Rock Road and on 29th Street and there has been a lot of conversation with the homeowners association adjacent to that street that have asked for this. Stated that it is not too late to change it to Bermuda if the Council chooses to do so.
- Motion--carried Fearey moved to defer this Item until January 4, 2005. Motion carried 7 to 0.

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WATERLINE REPL. WATERLINE REPLACEMENT ALONG HARRY, BETWEEN OLIVER AND WOODLAWN – CHANGE ORDER. (DISTRICT III)

Agenda Report No. 04-1206

On October 21, 2003, the City Council approved a construction contract to replace waterlines along Harry, between Oliver and Woodlawn. A part of the work includes the replacement of water service lines to metered homes and businesses. During the design phase of the water main replacement project, the number of water service replacements to be done are estimated based on Water Department records. The decision to replace a water service line is made during construction of the project based on the existing condition of the service line. In the case of this project, more service lines had to be replaced than anticipated. The number of service lines needed exceeded the number expected at the time the project was designed.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$11,950, with the total paid by the Water Utility. The original contract is \$341,244. This Change Order plus previous Change Orders represents 5.92% of the original contract amount.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

2004 WHEELCHAIR 2004 WHEELCHAIR RAMPS & SIDEWALK PROJECT – CHANGE ORDER. (DISTRICTS I, II, III AND V)

Agenda Report No. 04-1207

On March 16, 2004, the City Council approved the 2004 Wheelchair Ramp and Sidewalk Project. It is part of an ongoing program to comply with Federal accessibility requirements. On May 11, 2004, the City Council approved a construction contract with Barkley Construction Company. Since that time it has been determined that additional wheelchair ramps are needed for the parking lots at several parks.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$12,900 with the total paid by the General Obligation Bonds. The original contract amount is \$172,700. This Change Order represents 7.47% of the original contract amount.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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PROPERTY ACQ.

ACQUISITION OF LANDS FOR INTEGRATED LOCAL WATER SUPPLY PLAN.

Agenda Report No. 04-1208

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita. The Equus Beds Aquifer underlies portions of Sedgwick, Harvey, McPherson and Reno Counties and is located within the boundaries of Groundwater Management District No. 2. Since the 1950's water levels in the aquifer have dropped 20 to 40 feet as a result of heavy utilization.

Nine sites were identified as necessary for the capture of above base flow water; an additional six sites were identified as necessary for the location of water treatment, recharge/ recovery wells, recharge well, or recharge basins for this phase of the recharge project. One site for a recharge basin was previously purchased. The City has successfully negotiated for the remaining fourteen sites necessary for the present phase of the project. The agreements include a land purchase as well as permanent easements for the sites and some permanent and temporary easements for supporting pipelines and necessary access roads.

A budget of \$325,000 is requested; this includes \$315,000 for acquisition and \$10,000 for title work and closing. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million

Motion--
--carried

Mayans moved that the Budget, Real Estate Purchase Contract and Permanent Easement Agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 04-1209

On November 8, 2004 the Board of Code Standards (BCSA) held a hearing on the following twelve (12) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

<u>Property Address</u>	<u>Council District</u>
a. 1438 North Estelle	I
b. 1707 North Spruce	I
c. 1638 North Minneapolis	I
d. 2048 North Minnesota	I
e. 3100 North Park Place (small house)	VI
f. 747 North Sheridan	VI
g. 219 North Elizabeth (garage)	IV
h. 215 North Millwood #10	IV
i. 1615 West Maple	IV
j. 2714 West Maple	IV
k. 1423 West Burton	IV
l. 1815 South Exchange	III

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for

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condemnation consideration.

Motion--

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on February 1, 2005 at 9:30 a.m. or as soon

--carried

thereafter be adopted. Motion carried 7 to 0

RESOLUTION NO. 04-653

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 18-20, Goethe now Estelle Avenue, Rose Hill Addition, Wichita, Sedgwick County, Kansas known as 1438 North Estelle may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented.

Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-654

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 39-41, spruce Street, Logan Addition, Wichita, Sedgwick County, Kansas known as 1707 North Spruce as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-655

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 64-66, Block 7, Kansas Addition, Wichita, Sedgwick County, Kansas known as 1638 North Minnesota, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-656

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 58-60, Minnesota Avenue, Parkview Addition, Wichita, Sedgwick County, Kansas known as 2048 North Minnesota, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-657

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 23-24, Block 22, Jones Park Addition, Wichita, Sedgwick County, Kansas known as 3100 North Park Place, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-658

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lot 38, Davis Garden's Addition, Wichita, Sedgwick County, Kansas known as 747 North Sheridan, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-659

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lot 15 & N. 7 1/2 ft. Lot 16, Block 1, Junction Town Co Addition, Wichita, Sedgwick County, Kansas, known as 219 North Elizabeth (Garage). May appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-660

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 13-14-15-16 & N. 10 1/2 ft. Lot 17, Block 3, Junction Town C. Addition, Wichita, Sedgwick County, Kansas known 215 North Millwood, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-661

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 40-42 & E. 6 Fft Lot 44, Maple Street, Coop's Sub., Wichita, Sedgwick County, Kansas known as 1615 West Maple, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-662

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 116-118, Maple Street, Smithson's Addition, Wichita, Sedgwick County, Kansas known 2714 West Maple, as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 04-663

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 34-26, Elizabeth Avenue, Lawrence's 4th Addition, Wichita, Sedgwick County, Kansas known as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-664

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 287-288, Suppl. Plat of Rosenthal's 5th Addition, Wichita, Sedgwick County, Kansas known as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CASE NO. 03 CV 3344 SETTLEMENT OF LITIGATION-CASE NO. 03 CV 3344. (DISTRICT III)

Agenda Report No. 04-1210

This is an eminent domain appeal involving property at 528 N. Santa Fe that the City acquired in connection with the Central Rail Corridor Project. The court appointed appraisers awarded the property owner \$41,000 and the property owner appealed.

The property owner has offered to settle this matter for payment of an additional \$5,000 as compensation for the acquisition of his property. Given the risks and costs of litigating this matter through trial, it is likely that it will cost the City more than \$5,000.

Funding for this payment is from the Central Rail Corridor Project.

The Law Department recommends acceptance of the settlement offer.

Motion--
--carried

Mayans moved that the payment of \$5,000.00 in full settlement of Case No. 03 CV 3344 be authorized. Motion carried 7 to 0.

CASE NO. 03 CV 3345 SETTLEMENT OF LITIGATION-CASE NO. 03 CV 3345. (DISTRICT III)

Agenda Report No. 04-1211

This is an eminent domain appeal involving property at 750 East Pawnee that the City acquired in connection with the Pawnee Rail Grade Separation Project. The court appointed appraisers awarded the property owner \$85,000 and the property owner appealed.

The property owner has offered to settle this matter for payment of an additional \$5,000 as compensation for the acquisition of his property. Given the risks and costs of litigating this matter through trial, it is likely that it will cost the City more than \$5,000.

Funding for this payment is from the Pawnee Rail Grade Separation Project.

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The Law Department recommends acceptance of the settlement offer.

Motion--
--carried

Mayans moved that the payment of \$5,000.00 in full settlement of Case No. 03 CV 3345 be authorized. Motion carried 7 to 0.

GARVER CONST.

CONTRACT FOR OUTSIDE LEGAL SERVICES-GARVER CONSTRUCTION LTD. V. CITY OF WICHITA, ET AL., CASE NO. 03 CV 3723.

Agenda Report No. 04-1212

In September 2003 the City was sued by Garver Construction, Ltd. in connection with a construction contract between the City and Garver. In December 2003, the Council selected Hite, Fanning & Honeyman to represent the City's interests in that lawsuit and entered into a contract for that representation. The maximum payment for fees and expenses in that contract was \$50,000.

Hite, Fanning & Honeyman has performed substantial legal work in defending the City over the past year and the maximum amount of fees and expenses set out in the original contract has been met. In order to continue to represent the City adequately in this matter such maximum amount needs to be increased by \$50,000.

The fees and expenses for the City's defense of this lawsuit will be paid by the Water and Sewer Utility.

Motion--
--carried

Mayans moved that the Mayor be authorized to execute the amendment to the contract on behalf of the City increasing the maximum amount of fees and expenses that may be expended to \$100,000. Motion carried 7 to 0.

BUDGET

ORDINANCE APPROPRIATING THE 2005 BUDGET; RATIFYING THE PAYMENT OF CLAIMS AGAINST THE 2004 BUDGET.

Agenda Report No. 04-1213

Each year the City Council must appropriate and approve the spending of the next year's budget according to the approved budget and also authorize, approve and ratify the payments, which have occurred against the current year budget.

Appropriated amounts for each fund have been established in the budget for fiscal 2005 for the payment of all claims and charges against each fund. Payments of all claims and charges against each fund shall be made by a combination of checks and warrants, drawn by the Director of Finance and counter-signed by the City Manager and Treasurer as provided by law. The payment of all claims and charges against respective accounts and funds provided in the budget for the year 2004 are also required to be authorized, ratified and approved.

Motion--carried

Mayans moved that the Ordinance be adopted on first reading. Motion carried 7 to 0.

ORDINANCE NO. 46-424

An Ordinance appropriating the amounts set up in each fund in the budget; providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts, read for the first time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RUDY BRUNER

APPLICATION FOR RUDY BRUNER AWARD FOR URBAN EXCELLENCE.

Agenda Report No. 04-1214

Each year the Bruner Foundation sponsors a municipal government award, the Rudy Bruner Award for Urban Excellence. This program was established to recognize municipal government's contribution to the richness and diversity of the urban experience. Based on its innovative structure, unique approach to pollution awareness, groundwater reuse, and environmental education mission, the EH Department would like to apply for this award for the design, construction and operation of the WATER Center. The WATER Center is a working environmental education facility as well as a groundwater treatment plant. Its mission is to demonstrate the hydrological and geo-physical processes involved in groundwater remediation -- to provide education concerning groundwater, environmental threats and public health problems posed by water pollution; to illustrate the inter-relationship between the groundwater and the Arkansas River; and to provide an opportunity to experience and appreciate the power, beauty and importance of a natural resource: water. The 1.2 million gallons of water that is treated each day is reused for environmental education, park enhancement, and for wildlife. The ultimate goal is to protect public health and to show the life supporting qualities of the cleaned groundwater.

The Department of Environmental Health is seeking authorization to apply for the Rudy Bruner Award for Urban Excellence. This award could fund one or more new hands-on environmental education exhibits at the WATER Center. The educational component of the WATER Center has been designed similarly to that of our local nature center, Great Plains Nature Center. Once their exhibits and displays were installed, the Nature Center was able to reach 150,000 visitors a year. The WATER Center's objective is to provide a similarly large number of visitors with the water protection and conservation, pollution prevention, and environmental stewardship message.

This prestigious Rudy Bruner Award for Urban Excellence award not only brings honor to the recipients(s) but also funding. The award amount ranges from \$10,000 to \$50,000. If DEH is a successful award winner, funds would be used for completion of new environmental education exhibits at the WATER Center. There is no match required.

Motion--
--carried

Mayans moved that the award application be authorized and the necessary signatures authorized. Motion carried 7 to 0.

GIFT

HELEN GALLOWAY/FRAN JABARA GIFT.

Agenda Report No. 04-1215

Helen Galloway and Fran Jabara have generously donated a fountain to be placed in the area between the Wichita Public Library downtown branch, and Century II. The City of Wichita has received numerous sculptures and public improvements around the Century II area from these individuals. As part of an ongoing commitment from them, they have donated this additional fountain to continue beautifying the area between Century II and the Wichita Public Library.

This project will require site work, in the amount of approximately \$12,000, and additional ongoing maintenance once the project is completed. Staff recommends that Council accept the gift.

It is estimated that \$12,000 will be needed for site work. The project will be paid for out of City's cash reserves. The annual maintenance costs are estimated at \$5,760.00 and Staff will request that funds be budgeted for this purpose.

Motion--
--carried

Mayans moved that the donation be accepted and Staff authorized to solicit bids for site work. Motion carried 7 to 0.

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(Item 22) WEED & SEED

FY2004 WEED AND SEED PROGRAM. (DISTRICT I)

Agenda Report No. 04-1216

The Weed and Seed Program is a federally-funded grant program that brings together Federal, state, and local law enforcement agencies; social service providers; representatives of the public and private sectors; prosecutors; business owners; and neighborhood residents to "weed" out violent crime and gang activity, while "seeding" the community with social services and economic revitalization. The Weed and Seed Program is administered in "officially recognized" sites. Since 1995, the officially recognized site has the following boundaries: Central on the South, Old Manor from 17th to Central and Hillside from 17th to 27th Street on the East, Mosley on the West, and 27th Street on the North.

For federal fiscal year 2004, funding for the "weeding" component of the Weed and Seed Program is provided through federal funds granted to the Wichita Family Services Institute, Inc. for law enforcement activities. The Wichita Police Department will receive \$65,878 from the 2004 Weed and Seed Program for expenses, including overtime, training, equipment, vehicle rental, and buy money.

The Wichita Police Department will receive payment of \$65,878 from the Wichita Family Services Institute, Inc. for overtime, training, equipment, vehicle rental, and buy money. No local match is required.

Council Member Brewer Council Member Brewer asked if this is approved each year.

George Kolb City Manager stated that this is a grant that is annually received for the Weed and Seed Program so they must receive the funds for this. Stated that the Wichita Family Services Institute, Inc. receives the federal funds and then they allocate those dollars to the City of Wichita and through the Police Department they are administered.

Norman Williams Chief of Police explained that a couple of years ago the format changed in 2003 where the funds go directly to the Family Institute and then disseminate the funds to the Wichita Police Department and the \$65,000 is the amount of money that has been identified to the Wichita Police Department in regards to the Weed and Seed area.

Motion--carried Brewer moved that the receipt of funds be approved. Motion carried 7 to 0.

2005 WORK PROG UNIFIED PLANNING WORK PROGRAM FOR FISCAL YEAR 2005.

Agenda Report No. 04-1217

The Unified Planning Work Program (UPWP) is the Metropolitan Planning Organization's document describing the work elements planned for FY 2005. The United States Department of Transportation (DOT) stipulates that a UPWP must include the annual application for federal transportation planning funds. After approval by various officials and agencies, the UPWP will be used as the authorization document for making applications for funds to support our local transportation planning programs.

The joint resolution of the Wichita-Sedgwick County Metropolitan Planning Organization, Wichita City Council and Sedgwick County Board of Commissioners, authorizes the request of planning funds, the filing of applications and the execution of contracts and agreements for federal and state grants, and the undertaking of the necessary planning work.

Federal funds being requested will provide funding for nine full-time equivalent Staff positions plus miscellaneous expenses and consultant fees, which will allow the Metropolitan Area Planning Department (MAPD) to continue to evaluate the feasibility of short- and long-range transportation options and to develop strategies for implementing elements of the Transportation Plan. This work allows the City of Wichita to continue receiving federal and state construction funds for implementing projects.

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The Technical Advisory Committee is scheduled to review and consider approval of the FY 2005 UPWP on November 22, 2004. The Board of Sedgwick County Commissioners will consider approval of the resolution on December 8, 2005 and the Planning Commission, as the Metropolitan Planning Organization (MPO) for transportation planning, is scheduled to consider approval of the FY 2005 Unified Planning Work Program (UPWP) on December 9, 2005.

The availability of local funds for other planning projects is determined in the City and County budget process. A resolution is attached to authorize the Director of the MAPD to make applications for federal funds up to a total of \$1,827,028. A carryover of an additional \$971,000 in federal planning funds for the South Area Transportation Study (SATS) is also included in this year's work program.

The activities described in the UPWP are funded from two sources: the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), and are administered through the Kansas Department of Transportation (KDOT). The MAPD will make available non-federal matching funds in support of the UPWP. The amount of local match (provided as in-kind Staff services: \$441,757) required to receive federal assistance is shown below:

Federal Funds	Match	Funding Ratio	Total Funds
Annual USDOT Planning Grant	\$1,767,028		\$441,757(Local in-kind) 80/20 \$2,208,785
Annual USDOT Planning Grant	\$60,000		\$15,000(KDOT cash) 80/20 \$75,000
South Area Study(NCPD grant)	\$971,000		\$194,200(KDOT Soft) 80/20 \$971,000

Motion--carried

Mayans moved that the City / County / MPO joint resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-669

A joint Resolution of the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita City Council and Sedgwick County Board of Commissioners, authorizing the request of planning funds, the filing of applications and the execution of Contracts and Agreements for Federal and State Grants, and the undertaking of the necessary planning work, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RAILBANKING

RAILBANKING BURLINGTON NORTHERN AND SANTA FE (BSNF) 45TH STREET NORTH TO VALLEY CENTER.

Agenda Report No. 04-1218

The 21st Street Revitalization Corridor Plan proposes the realignment of the BNSF mainline and rail yard activities from its current location along Broadway Boulevard to the existing Frisco main that is also owned by the BNSF Railroad. This recommendation in the proposed 21st Street Plan, to shift the railroad activities away from Broadway, is part of a solution to limit the number of rail-street at-grade crossings in North-Central Wichita.

The BNSF Railway is proposing to abandon nearly six miles of trackage between Wichita and Valley Center. Upon abandonment, the underlying railroad easement will be extinguished and the property will revert back to the original owners or their successors. Reacquiring a continuous railroad corridor after the abandonment is generally difficult due to structural changes and permanent improvements on private property.

In lieu of railroad abandonment, the railroad easement can be preserved by formally railbanking this corridor. Railbanking the Wichita-Valley Center line preserves the future option of moving trains more efficiently and safely through North-Central Wichita.

In order to establish railbanking, the City of Wichita will need to assume full responsibility for maintaining the corridor and for any legal liability arising out of the transfer of the corridor. The first

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year's cost to maintain the corridor, including trash and weed removal is estimated at \$39,152, and the annual operating cost for subsequent years is \$4,152.

Upon railbanking, city crews will be responsible for maintenance and access to the corridor. The City of Wichita is also responsible for any legal liability arising out of the transfer of the corridor.

Motion--

Mayans moved to authorize Staff to negotiate railbanking with BNSF for the line that runs from 45th Street near Park City to west of Meridian in Valley Center. Motion carried 7 to 0.

--carried

ITS ARCHITECTURE CONTRACT FOR PROFESSIONAL SERVICES-REGIONAL ITS ARCHITECTURE.

Agenda Report No. 04-1219

Federal regulations require that all ITS projects involving the operations and management of traffic flow, transportation safety, and incident management be integrated to provide greater efficiencies in the delivery of safe transportation services. The Regional ITS Architecture provides the forum for coordination across jurisdictions and provides a framework for institutional agreement and technical integration of ITS implementation projects. .

Metropolitan Planning Organizations (MPOs) are required to develop and maintain a regional ITS Architecture. ITS stakeholders within the Wichita-Sedgwick County region have previously participated with the National ITS Architecture Team to partially develop the regional architecture. Professional services of Iteris, Inc. will help complete the regional architecture, provide recommendations for its integration into the transportation planning process, and provide guidance for maintaining the regional architecture. A communications plan conforming to national ITS protocol standards, and updated cost estimates of ITS projects will also be provided.

Seven proposals were received in response to the Request for Proposals (RFP). Iteris, Inc. was chosen unanimously by members of the consultant selection committee that comprised of officials from the Federal Highway Administration, Kansas Department of Transportation, Staff from Wichita and Sedgwick County Public Works and IT departments, and the MAPD.

This contract is for a total sum of \$248,937.35 Federal transportation planning funds available to the MPO will be used to pay 100 percent of the costs associated with the contractual services.

Federal regulations require all metropolitan areas to have an adopted Regional ITS Architecture by April 8, 2005.

Motion--

Mayans moved that the selection of Iteris, Inc. to complete the Regional ITS Architecture be approved and the necessary signatures authorized to execute the contract. Motion carried 7 to 0.

--carried

REHAB SAN. SEWERS RECONSTRUCTION AND/OR REHABILITATION OF SANITARY SEWERS.

Agenda Report No. 04-1220

The Sewer Maintenance Division of the Water & Sewer Department maintains the sanitary sewer system. Preventive maintenance includes the use of closed circuit cameras in evaluating the old sewer lines. The sewer lines that are in the poorest condition are scheduled for reconstruction or rehabilitation. The reconstruction and rehabilitation of sanitary sewers helps to eliminate stoppages, backups, failures, and reduces inflow and infiltration (I&I) into the system. Maintenance costs are reduced, as well as considerable inconvenience to customers.

Capital Improvement Program, Reconstruction of Old Sanitary Sewers (CIP S-4) has a budget of \$4,300,000 for 2005 and will be funded from future revenue bonds and/or Sewer Utility cash reserves.

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Motion--
--carried

Mayans moved that the project expenditures for 2005 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-670

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve extend and enlarge the Water and Sewer Utility owned and operated by the City and to issue Revenue Bonds in a total principal amount which shall not exceed \$4.3 Million, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SAN. SEWER MAINS SANITARY SEWER MAINS FOR FUTURE DEVELOPMENT.

Agenda Report No. 04-1221

This project is included in the ten-year Capital Improvement Program as sanitary sewer extensions to serve future developments, newly annexed areas, and to provide for the City's share of costs to construct new sanitary sewer mains to serve existing areas that have no sewer service. The funds are used to plan, model, design, construct and/or relocate sanitary sewers for future growth.

The Sewer Master Plan, prepared by Professional Engineering Consultants and Brown & Caldwell Engineering, indicates future needs to expand the sanitary sewer service area. This project is in support of the City of Wichita Sewer Master Plan.

Mains for Future Development (CIP S-5) has a budget of \$2,500,000 for 2005 and will be funded from future revenue bonds and/or Sewer Utility cash reserves.

Motion--
--carried

Mayans moved that the expenditures be approved for 2005; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-671

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve extend and enlarge the Water and Sewer Utility owned and operated by the City and to issue Revenue Bonds in a total principal amount which shall not exceed \$2.5 Million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

WATER DIST. MAINS WATER DISTRIBUTION MAINS FOR FUTURE DEVELOPMENT.

Agenda Report No. 04-1222

This project is included in the ten-year Capital Improvement Program to serve future developments and newly annexed areas. It provides for the City's share in funding the installation of new water mains. These mains serve as the backbone of the system and establish the current service area of the water distribution system.

The Water Master Plan indicates the need to extend the water distribution system where future growth and development are occurring. This is primarily due to growth outside of, or in addition to, the growth area of the City that was anticipated at the time the Water Master Plan was prepared. The projects are identified when a petition for water system extensions is received. The water utility then pays for links and over-sizing of the water system in developments. Additionally, funds are used to design and

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relocate water mains for future Public Works' projects.

Unidentified Mains (CIP W-65) has a budget of \$2 million in 2005. It will be funded from future revenue bonds and/or Water Utility cash reserves.

Motion--
--carried

Mayans moved that the expenditures for 2005 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-672

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve extend and enlarge the Water and Sewer Utility owned and operated by the City and to issue Revenue Bonds in a total principal amount which shall not exceed \$2 Million, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

WATER DISTRIB.

WATER DISTRIBUTION MAIN REPLACEMENT.

Agenda Report No. 04-1223

This project is included in the ten-year Capital Improvement Program. It provides funding for the replacement of water lines that either leak frequently, or need to be replaced because they are too small to meet current demands. Specific lines to be replaced are identified on an ongoing basis by Public Works' engineers and the Water & Sewer Staff.

Water distribution main replacement is essential for maintaining the water system infra-structure, decreasing the number of water main breaks, reducing water system maintenance costs and improving customer service.

Distribution Main Replacement (CIP W-67) has an adopted budget of \$4 million for 2005. A similar project, Mains for Future Development (CIP W-65) has an adopted budget of \$3 million. Staff proposes transferring \$1 million of budget authority from W-65 to W-67 to reflect current activity. The W-67 budget would then be \$5 million and the W-65 budget \$2 million, with no net impact to the CIP budget. Funding will come from future revenue bonds and/or Water Utility cash reserves.

Motion--
--carried

Mayans moved that the expenditures for 2005 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-673

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve extend and enlarge the Water and Sewer Utility owned and operated by the City and to issue Revenue Bonds in a total principal amount which shall not exceed \$5 Million, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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CHENEY WATERSHED PROTECTION-US ENVIRONMENTAL PROTECTION AGENCY GRANT.

Agenda Report No. 04-1224

Cheney Reservoir is one of Wichita's major sources of water currently providing approximately 60 percent of Wichita's annual water supply. Since 1993 the City has been participating in a program to encourage the implementation of projects that will reduce pollution entering Cheney Reservoir. Participation has included the concept of the City assuming part of the cost-share necessary to allow landowners to implement "best management practices" in the watershed.

The Cheney Watershed Improvements project has been one of the most successful projects of its kind in the nation, having received national awards. Over 2,300 projects have been completed in the watershed, and Staff believes the completed work has resulted in a reduction in taste and odor events in the City's drinking water and a significant reduction in sediment entering the reservoir.

Much of the credit for the success of the project can be attributed to the Citizens Management Committee (CMC), composed of people living and working in the watershed who have worked hard to convince their neighbors that these improvements are good for both them and the City. As part of their continuing effort to educate producers in the watershed about "best management practices," the CMC wants to submit a grant application to the Environmental Protection Agency for support for education efforts. The project will help watershed farmers develop and practice decision-making skills for nutrient management and protecting soil and water quality.

A three-tiered approach will provide:

- 1) a one-day workshop and watershed tour for a group of 40 watershed farmers
- 2) an in-depth series of workshops on nutrient management planning for 10 dairy farmers
- 3) a very intensive environmental training experience for a potential watershed leader

All training will connect the conditions of water quality in the watershed to the daily decision-making process on watershed farms. The workshops will emphasize management of fertilizers and animal manures, soil quality, the use of grass buffers, and other management practices. Select producers will participate in follow-up visits to farms to complete farm assessments, or written management plans.

The CMC has requested that the City become a partner in this grant application by sponsoring a bus tour of City water facilities for producers in the watershed. Estimated cost of the tour is \$1,000. Additional participants will be the Reno County Conservation District, the Natural Resources Conservation Service - USDA, Kansas State University Research and Extension, Kansas Department of Health and Environment, and the Kansas Rural Center. The number and quality of partners working on this project will provide a broad perspective and strong framework for scientifically sound education. The inclusion of two nonprofit organizations and strong farmer leadership will underpin effective recruitment and outreach efforts in the project.

The amount cost of the education project is \$14,650 with EPA providing \$8,350 and the partners in the grant application providing \$6,300 of funds or services. The City's participation would be up to \$1,000. Funds for this effort are available in CIP W-500, which has allocated \$200,000 in 2004 for Cheney Watershed project.

City Council authorization is required to participate in grant applications of this nature.

Motion--

--carried

Mayans moved that the participation in the grant application be authorized; the tour of the City's water facilities be funded and the necessary signatures authorized. Motion carried 7 to 0.

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COST-SHARE AGRNT COST-SHARE AGREEMENT-CHENEY RESERVOIR WATERSHED.

Agenda Report No. 04-1225

Cheney Reservoir is a major water source for Wichita currently providing approximately 60 percent of the City's annual water supply. On August 24, 1993, City Council approved the concept of the City assuming part of the cost-share to allow landowners to implement "best management practices" in the watershed above the Reservoir. Since that time, City Council has approved annual agreements with the Cheney Watershed Citizens Management Committee and the Reno County Conservation District to help implement improvements in the watershed.

Cheney Reservoir has two significant pollution problems: sedimentation and phosphates. Sedimentation washes into the reservoir from soil erosion which can reduce the life of the reservoir and high phosphate levels can lead to an increase in microscopic plant activity, such as algae, thus increasing taste and odor problems in the water.

The Reno County Conservation District has acquired funds from the Water Resources Cost-Share Program (WRCS) and the Non-Point Source Pollution Control Fund (NPS) to help finance the installation of conservation practices that will reduce pollution entering the reservoir. Under these programs, the producers can install Best Management Practices that will reduce pollution from their land and apply for reimbursement for up to 70 percent of the cost of the improvements. The MOU will facilitate a means whereby the producer can receive up to 100 percent reimbursement by having the City of Wichita provide up to a 30 percent cost-share for the improvements. Producers will not be eligible for any costs that exceed the county average cost for those improvements.

While funds for the program are authorized for the Reno County Conservation District, administration of the funds will be through the Cheney Watershed Citizens Management Committee. The Committee, composed of landowners and producers in the watershed, administers the Watershed Management Plan and coordinates efforts to promote the installation of Best Management Practices. The agreement will help facilitate the creation of partnerships between the producers in the watershed and the City to reduce pollution entering Cheney Reservoir. Other counties in the watershed, Stafford, Pratt and Kingman, have agreed to participate. Projects completed in those counties will be submitted to the City through the Reno County Conservation District.

Several alternatives that the City could pursue in attempting to reduce or eliminate pollution in Cheney Reservoir are:

- 1) Participate in the program. The WRCS and NPS programs would provide 70 percent of the funds used to correct pollution problems in the basin, with the remaining 30 percent coming from the City.
- 2) Wait until pollution becomes more severe; however, the City would stand the risk of not having other funding sources to help in the cleanup of the drainage basin. Furthermore, customer dissatisfaction with taste and odor, or the cost of treating the above would have a detrimental impact.
- 3) Forego efforts to work in the basin and respond to the water quality in the reservoir. City Council has approved the use of powered activated carbon (PAC) and the construction of ozone equipment to help address taste and odor problems, but if conditions in the reservoir deteriorate, the cost of treatments will increase. These treatments, however, do not remove the sediment coming into the reservoir. To remove the sediment after it is in the reservoir, and thus extend its life, would require the sediment to be dredged from the reservoir, which is a costly and environmentally destructive.

The maximum WRCS cost-share available to a single producer in Reno County during fiscal year 2005 will be \$10,000 and limited to \$7,500 for the NPS Program. Calculation is based on the county average cost, or actual cost, whichever is less. Reno County has WRCS funds of \$48,430 available in fiscal year 2005 while NPS has \$37,582.

Stafford County maximum for WRCS available to a single producer will be limited to \$5,000 and \$5,000 for the NPS Program. The total amount of WRCS funds available in 2005 will be \$38,162 and NPS will have funds available of \$22,941.

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Pratt County maximum for WRCS available to a single producer will be limited to \$3,500 and \$2,200 for NPS. The total WRCS funds available in 2005 will be \$36,560 and NPS will have available \$20,554.

Kingman County maximum for WRCS available to a single producer will be limited to \$3,500 and \$10,000 for the NPS Program. The total amount of WRCS available in 2005 will be \$25,017 and NPS will have funds available of \$18,542.

Costs to the City shall not exceed \$44,450 for WRCS projects, nor \$29,885 for NPS projects for a total combined amount of \$74,335 in fiscal year 2005. CIP W-500, Cheney Watershed Protection Plan, has allocated \$200,000 in 2005 for this effort. Additional sources of funding include the EPA, the State of Kansas Water Plan and the USDA, all helping to diversify the cost of the improvement projects among funding sources.

Approval of this Item by two-thirds majority of City Council is required.

Motion--
--carried

Mayans moved that the MOU be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-674

A Resolution amending Resolution No. 03-621 pertaining to the Cheney Watershed Protection (W-500) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CHENEY MOU

CHENEY WATERSHED STAFF POSITION-MEMORANDUM OF UNDERSTANDING

Agenda Report No. 04-1226

Cheney Reservoir is one of Wichita's major sources of water, currently providing approximately 60 percent of Wichita's annual water supply. Since 1993, the City has participated in a program to encourage the implementation of projects that will reduce pollution entering the reservoir. Participation includes the concept of the City assuming part of the cost-share necessary to allow landowners to implement Best Management Practices in the watershed. On October 13, 1998, City Council approved a Memorandum of Understanding (MOU) with the Citizens Management Committee, now incorporated as the Cheney Lake Watershed, Inc. to fund a public relations/education position to assist in the activities of the project.

The Cheney Watershed Improvements project is one of the most successful projects of its kind in the nation, having received several national awards. Over 2,300 projects have been completed in the watershed. The work has resulted in a reduction in taste and odor events in the City's drinking water, plus a significant reduction in sediment entering the reservoir. Much credit for the success of the project can be attributed to the work of the Citizens Management Committee (CMC), composed of people living and working in the watershed who have worked hard to convince their neighbors that these improvements are good for both them and the City.

The person funded through this MOU assists the CMC in executing many public relations and education tasks. This Staff position has been very successful in increasing interest in the watershed project, increasing the number of projects completed in the watershed, and consequently, improving the water quality in the reservoir.

The total cost for the position is \$37,914. The Kansas Department of Health and Environment has offered to provide \$13,814 (approx. 36 percent) towards this position through a grant from the U.S. Environmental Protection Agency, with the City providing \$24,100 (64 percent). The MOU also includes \$3,000 from the City to assist in paying other contractual expenses of the Cheney Lake Watershed, Inc. The remaining cost of the position would be obtained from a grant from the U.S. EPA.

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Funds are available in CIP W-500 (Cheney Watershed Protection Plan), that has \$200,000 allocated for this project in 2005.

Motion--
--carried

Mayans moved that the Memorandum of Understanding be approved and the necessary signatures authorized. Motion carried 7 to 0.

RE-ROOF

CAREER DEVELOPMENT OFFICE BUILDING RE-ROOF. (DISTRICT VI)

Agenda Report No. 04-1227

Several areas of the roof of the Career Development Office Building are constant sources of chronic leaks. Located inside the State Office Building Garage, the current roof is 11 years old and is failing. City Staff has recommended that the roof be replaced in order to maintain the structural integrity of the building and protect its contents.

The 2004 Capital Improvement Program, Project PB-350414, has \$55,000 budgeted for this work.

Motion--
--carried

Mayans moved that the Resolution be adopted; the project approved and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04- 675

A Resolution authorizing the issuance of General Obligation Bonds of the City of Wichita, Kansas to pay all or a portion of the costs of replacing the roof at the Career Development Offices, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

BROOKS LANDFILL

AMENDMENT TO AGREEMENT FOR BROOKS LANDFILL TECHNICAL SERVICES. (DISTRICT VI)

Agenda Report No. 04-1228

In 1996, the City of Wichita completed a study of groundwater contamination originating in Brooks Landfill, and remedial measures were enacted in compliance with Kansas Department of Health and Environment (KDHE) regulations. The corrective measures included an air injection system at the edge of the landfill, to prevent contamination from leaving the landfill site. In addition, a groundwater extraction and treatment system was installed approximately one mile downgradient from Brooks, at the leading edge of the contamination plume.

The downstream system has been operational since 1997. This system pumps groundwater from the ground, treats it through a process of "air stripping" to remove contaminants, and discharges the treated water into the Arkansas River. Since installing this system, over 1.1 billion gallons of groundwater have been pumped, treated, and discharged into the river. A series of groundwater monitoring wells are also sampled frequently to monitor the extent and concentration of the contamination. Recent sampling results have shown the downstream contamination plume to be significantly reduced in concentration, and shifting slightly to the east.

As a result of decreased contamination levels, the City contracted Camp Dresser & McKee (CDM) in March 2002, to provide technical services related to investigating possible modifications to the remediation system, with KDHE approval, and reducing the City's operating costs.

The completed investigation and report has been submitted to KDHE. Because the contamination levels have naturally subsided, the report recommends deactivation of the downstream pumping and treatment system, and implementation of a process called "monitored natural attenuation" (MNA). This would enable the City to closely monitor the levels of contamination, and implement additional measures (such as resuming pumping and treatment) if concentrations should increase in the future. Upon approval by KDHE, this modification, along with groundwater sampling revisions will save the

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City approximately \$100,000 per year in operating expenses for the Brooks remediation program.

KDHE has reviewed the initial report, and concurs with the recommendations to implement MNA in lieu of continued treatment of the groundwater. As the final step in authorizing this change, KDHE requires that the City submit a formal proposal which evaluates the following: threat to human health; degradation of groundwater; degradation of surface water; threat to other potential receptor; time frame and cost; and property control.

CDM has been the City's consultant on the groundwater remediation program at Brooks Landfill, and has successfully worked with KDHE to reach this agreement on modifying the system. They are also very familiar with the KDHE requirements for these reports, as well as the groundwater sampling programs at Brooks.

The amended scope of work includes preparation of the formal proposal required by KDHE, as well as technical expertise to present the proposal to KDHE, or at other hearings, if needed.

The cost of these services is estimated to be \$10,000. Funds are available in the Landfill budget.

Motion--
--carried

Mayans moved that the amendment to the agreement with Camp Dresser and McGee be approved and the necessary signatures authorized. Motion carried 7 to 0.

STREET LIGHTING

STREET LIGHTING BUDGET ADJUSTMENT.

Agenda Report No. 04-1229

Street lights provide public safety benefits throughout the City, along both residential and arterial roadways. The City contracts with Westar Energy for installation, maintenance and electricity to operate the street lighting system.

The 2004 Street Lighting budget is \$2,852,850. The budget is established based on known and estimated costs, including the number of lights and potential costs to provide services in annexed and newly developed areas. In 2004, infrastructure costs to establish service in annexed areas has been higher than estimated, and development has occurred more quickly than anticipated. The increased costs have caused a budget shortfall in the Street Lighting budget.

It is estimated that transfers of up to \$60,000 (about 2% of the budget) will be needed to pay all 2004 bills. The transfers would occur within the Public Works Department budgets. The transfers would use line-item savings to pay the increased costs. The Street Lighting budget will be re-evaluated in 2005 to incorporate revised cost estimates based on annexation costs and development activity.

Budget transfers over \$10,000 require City Council approval.

Motion--carried

Mayans moved that the budget transfers be approved. Motion carried 7 to 0.

MAPLE STREET

MAPLE STREET BETWEEN MAIZE AND 119TH STREET WEST. (DISTRICT V)

Agenda Report No. 04-1230

On June 27, 2000, the City Council approved amended funding to reconstruct Maple Street between Maize and 119th Street West. The project reconstructed Maple to four lanes, installing sidewalk on both sides of the street and landscaping the available right of way.

Costs for construction have exceeded estimated amounts by less than \$30,000.

Project savings from the construction of the next mile of paving on Maple between 119th Street West to 135th Street West are available to fund the additional \$30,000 of General Obligation costs for the Maple, Maize to 119th Street West project.

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Motion--
--carried

Mayans moved that the transfer of funding be authorized; the revised project budget approved and the Ordinance placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance repealing Ordinance No. 44-672 and amending Ordinance No. 42-248 of the City of Wichita, Kansas, declaring Maple Street, from Maize Road to 119th Street West (472-83092) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

SECOND READING ORDINANCE: (FIRST READ DECEMBER 7, 2004)

a) ZON 2002-73 - North of 63rd Street South and on the east side of Seneca. (District IV)

ORDINANCE NO. 46-411

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2002-73)

NEW BUSINESS

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES.

Kurt Schroeder

Office of Central Inspection reviewed the Item.

Agenda Report No. 04-1231

On October 12, 2004 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on December 14, 2004.

On September 13, 2004, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
a. 422 West Skinner	III
b. 1511 North Hydraulic (Garage)	I
c. 1452 North Estelle	I
d. 536 South All Hallows	IV

Pursuant to State Statute, the Resolutions were duly published twice on October 14, 2004, and October 21, 2004. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

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Motion--

Mayans moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures adopted and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures accepted. Any extensions of time granted to repair the structures would be conditioned on the following: (1) All taxes have been paid to date, as of December 14, 2004; (2) the structures have been secured as of December 14, 2004 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of December 14, 2004 and will be so maintained during renovation for properties a) 422 West Skinner, c) 1452 North Estelle and d) 536 South All Hallows. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-665

A Resolution finding that the structure/s located on Lots 23 and 24, Supplemental Plat of Rosenthal's 5th Addition to the City of Wichita, Sedgwick County Kansas, commonly known as 422 West Skinner, is/are unsafe or dangerous and directing the structures/ to be removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-667

A Resolution finding that the structure/s located on Lots 6 and 8, on Goethe, now Estelle, Rose Hill Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1452 North Estelle, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-668

A resolution finding that the structures/ located on Lot 28, on all Hallows, the Jo-Mar Subdivision, Wichita, Sedgwick County, Kansas, commonly known as 536 South All Hallows, is/are unsafe or dangerous and directing the structure/s to be removed, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

1511 North Hydraulic:

Kurt Schroeder

Office of Central Inspection stated that the property at b) 1511 North Hydraulic, is just the garage, which is in dangerous condition. Stated that Mr. Carlos Boykins is here today and has just received an affidavit from one of the heirs and is trying to obtain a final clear title on this property. Stated that he intends to fix up the house and either demolish or repair the garage. Stated that there is approximately \$1822.00 in taxes that are owed, which includes \$944.00 in special assessments for some boarding and clean up that they did about a year ago on the property. Stated that he has indicated that he needs 60 days to get the clear title and then he would need no more than 30 days after obtaining the title to either fix or demolish and clear the garage. Stated that he did indicate that he has been keeping the property clean and the premise is in good shape.

Carlos Boykins

Mr. Boykins stated that he received a quote on repairing or tearing down the structure and that getting the title has taken some time because the owner lives in Oklahoma. Stated that he has spoken to a title company and has been given instructions on getting the title cleared and that the delinquent taxes will be paid when he gets the title cleared.

Motion--

Brewer moved to allow for a 90 day extension for closure and to also take care of the necessary requirements and within that time frame to pay the back taxes for 2003 and 2004 in the sum of \$1,822.72 and the special assessments of \$994.12 and if this is not taken care of within the 90 days that the City Staff be allowed to go along with Staff recommendation and that the Resolution be adopted. Motion carried 7 to 0.

--carried

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RESOLUTION NO. 04-666

A Resolution finding that the structure/s located on Lots * and 10, on Hydraulic Avenue, Milford's Replat of Lots 1 to 29, inclusive, on Union Avenue, and 2 to 3, inclusive, and 1 to 29, inclusive on Orange Avenue, and 2 to 30 o Hydraulic Avenue, Spring Grove Second Addition to the City of Wichita, Sedgwick County, Kansas, commonly known as 1511 North Hydraulic (garage), is/are unsafe or dangerous and directing the structures/ to be made safe and secure, or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CESSNA

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, CESSNA AIRCRAFT COMPANY, (DISTRICTS III & IV)

Allen Bell

Director of Economic Development reviewed the Item.

Agenda Report No. 04-1232

(Council Member Brewer momentarily absent).

Since 1991, the City Council has approved Letters of Intent for Industrial Revenue Bonds totaling a not-to-exceed principal amount of \$1.1 billion to finance expansion and modernization of Cessna Aircraft Company facilities in Wichita. Along with the letters of intent, the Council approved a five-plus-five-year 100% ad valorem tax exemption for all Cessna property financed with bond proceeds. Since 1991, approximately \$843 million IRBs were issued to Cessna. The company is requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$51,800,000 million to finance its 2004 capital investments.

Bond proceeds are being utilized to finance expansion and upgrading of facilities located at the Cessna Wichita Facilities, including technology and manufacturing equipment to accommodate increased personnel and space required to develop and manufacture the four business jet aircraft produced in Wichita. Specific 2004 improvements at the Cessna facilities include renovations and upgrades to parts warehousing, aircraft completion, engineering, assembly and manufacturing facilities. Acquisition of manufacturing machinery and equipment is also being financed.

The uses of the 2004 bond proceeds are as follows:

Buildings and Improvements	\$ 2,457,725
Equipment	6,405,049
Tooling	42,922,306
Costs of Issuance	14,920
Total Cost of Project	\$51,800,000

The taxable Bonds will be privately placed with Cessna's parent company. Cessna Aircraft Company has complied with the Standard Conditions contained in the City's IRB Policy.

Cessna Aircraft Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council has approved a five-plus-five-year 100% ad valorem tax exemption on bond-financed property. The purchase of bond-financed property will also be exempt from state and local sales tax.

Bond documents have been prepared by the City's bond counsel Hinkle Elkouri Law Firm, L.L.C. The City Attorney's Office will review and approve the final form of any bond documents prior to the issuance of any bonds.

In addition to authorizing the issuance of the Series 2004 Industrial Revenue Bonds, the bond ordinance also authorizes the release of property financed by Series XV, 1994 Bonds from the lien of the 1994 Bond Indenture and the conveyance of said property to Cessna upon receipt of certification by the Bond

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Trustee that no Series 1994 Bonds remain outstanding.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that the public hearing be closed; first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of the 2004 Cessna Industrial Revenue Bonds in an amount not-to-exceed \$51,800,000 and the release and conveyance of 1994 Cessna bond-financed property be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series VIII, 2004 (Cessna Aircraft Company), in the original aggregate principal amount of not to exceed \$51,800,000 for the purpose of purchasing, acquiring, constructing and installing an industrial and commercial facility; authorizing execution of a Fourteenth Supplemental Trust Indenture by and between the City and the Bank of New York Trust Company, N.A., St. Louis, Missouri, as Trustee with respect to the Series VIII, 2004 Bonds; authorizing the City to lease said project to Cessna Aircraft Company; authorizing the execution of a Fourteenth Supplemental Lease by and between the City and Cessna Aircraft Company; authorizing the execution of a Bond Purchase Agreement by and between the City and Cessna Aircraft Company, as purchaser of the Bonds; and, authorizing execution of a Bill of Sale, termination and release of Third Supplemental Lease and cancellation, discharge and release of Third Supplemental Trust Indenture, introduced and under the rules laid over.

BOMBARDIER

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, BOMBARDIER LEARJET. (DISTRICT V)

Allen Bell

Director of Economic Development reviewed the Item.

Agenda Report No.04-1233

On September 10, 1996, the City Council approved a five-year Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$86 million, issued to Bombardier Learjet to finance expansion and modernization of its aircraft manufacturing plant located at Mid-Continent Airport in west Wichita. Council also approved a ten-year 100% ad valorem property tax exemption on all bond-financed property. On November 20, 2001, the City Council extended the Letter of Intent for an additional three-years until December 31, 2004. Under authority of the 1996 Letter of Intent, the City Council has authorized issuance of Industrial Revenue Bonds to Bombardier Learjet a total of approximately \$81 million in IRBs between 1996 and 2003. The company is requesting City Council to issue industrial revenue bonds in the amount not-to-exceed \$2,780,000 to finance its capital investments for the year 2004. In addition, Learjet requests a two-year extension of its 1996 Letter of Intent to continue to expand and upgrade its existing facilities.

Proceeds from the sale of the 2004 bond issue will be used for the purpose of purchasing, acquiring, constructing, and equipping improvements and additions to existing facilities. Bond proceeds continue to be used to finance the expansion and upgrading of facilities accommodating increased personnel and space required to develop and produce all models of Bombardier's Learjet business jet aircraft.

Bond proceeds are estimated to be used as follows:

Real Property Improvements	\$1,470,923.97
Machinery and Equipment 1,	308,987.95
Costs of Issuance	<u>88.08</u>
Total Cost of Project	\$2,780,000.00

The law firm of Hinkle Elkouri, L.L.C. serves as bond counsel in the transaction. Learjet Inc. will purchase the bonds, and as a result bonds will not be offered to the public. Bombardier Learjet has complied with the Standard Conditions contained in the City's IRB Policy.

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Bombardier Learjet agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% tax abatement of ad valorem property taxes on the expansion project. Bond-financed purchases will also be exempt from state and local sales tax.

Bond documents have been prepared by bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Martz moved that the public hearing be closed; the extension of the 1996 Letter of Intent to Learjet, Inc. for a term of two-years be approved; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$2,780,000 be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds in the original aggregate principal amount not to exceed \$2,780,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Wichita, Kansas; prescribing the form and authorizing execution of an Eighth Supplemental Trust Indenture by and between the City and the Bank of New York Trust Company, N.A., St. Louis, Missouri (successor trustee to Intrust Bank, N.A., Wichita, Kansas) (the "Trustee"), as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of an Eighth Supplemental Lease by and between Learjet inc. and the city; approving the form of a guaranty agreement; and authorizing the execution of a Bond Purchase Agreement by and between the City and Learjet Inc., as purchaser of the Bonds, introduced and under the rules laid over.

RYAN INTNL

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR RYAN INTERNATIONAL AIRLINES. (DISTRICT VI)

Allen Bell

Director of Economic Development reviewed the Item.

Agenda Report No. 04-1234

On December 8, 1998, the City Council approved the issuance of Industrial Revenue Bonds (IRBs) in the amount of \$2.7 million to Ryan International. The bonds were used to finance the renovation of an existing building at 266 N. Main in downtown Wichita to serve as Ryan's corporate headquarters. A ten-year 100% property tax exemption was granted on the improvements. On October 12, 2004, City Council approved a one-year Letter of Intent to issue IRBs in an amount not-to-exceed \$3,500,000 to Rubloff Wichita, L.L.C. Bond proceeds were used for the acquisition of the land and building for Ryan International Airlines' corporate headquarters in downtown Wichita. The company is now requesting City Council to issue Industrial Revenue Bonds in the amount not-to-exceed \$3,500,000.

Ryan International is a certified air carrier licensed by the Federal Aviation Administration and the U.S. Department of Transportation. It operates passenger and freight service aircraft on a contractual basis for a variety of clients worldwide, including airlines, charter services, and corporations. It currently operates a fleet of twenty-two aircraft consisting of Boeing 727s, 737s, 757s, Douglas MD 80's and Airbus A-320s. Ryan has major bases in Chicago, Minneapolis, Milwaukee, Atlantic City, Detroit, Dallas, Cleveland and Oakland.

Ryan International was purchased earlier this year by individuals associated with Rubloff Development Group, Inc., a diversified company located in Rockford, Illinois. Rubloff is a nationwide developer and owner of commercial real estate, including the mall in Hutchinson. In addition to other enterprises, Rubloff principals previously owned a charter airline company, which was operated contractually by Ryan. The Rubloff charter aircraft service is now merged with Ryan International and plans for the

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company include starting a scheduled airline service from major markets to resort destinations. In addition to leasing aircraft, as has been Ryan's past practice, Ryan now owns a fleet of jetliners and plans call for the acquisition of additional aircraft.

The proceeds of the proposed \$3.5 million bond issue were used to purchase a Class A corporation headquarters for Ryan International Airlines, Inc. The building is currently owned by Ryan Properties, L.C., which is owned by Ron and Renee Ryan, subject to an IRB lease, and subleased to Ryan International Airlines, Inc. The building has 54,000 s.f. of office and common space located on two floors, and an enclosed parking for 60 cars underneath the building.

Ryan International currently employs 150 highly-paid skilled employees into the downtown core area. As a result of the acquisition and merger, Rubloff Wichita plans to add 100 new employees to Ryan's Wichita workforce within five years. Rubloff Wichita has agreed to maintain a current EEO/AA plan on file with the City.

A portion of the first floor of the Ryan corporate headquarters building is subleased to Multimedia Hyperion Telecommunications, doing business as TelCove. TelCove subleases approximately 15,000 square feet to house telephone switching and other electronic equipment.

The firm Hinkle Elkouri L.L.C. serves as bond counsel for the transaction. Rubloff Wichita L.L.C. or an affiliate will purchase the bonds as a private placement and not re-offered them for public sale. The Company agrees to comply with the City's requirements contained in the Standard Letter of Intent Conditions.

The Company agrees to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council approved a 100% tax abatement on the bond-financed property for an initial five-year period plus an additional five years following City Council review.

The estimated first year's taxes on Rublof Wichita's proposed \$3,500,000 acquisition would be \$99,425, on real property, based on the 2003 mill levy. Using the allowable tax exemption of 100 percent, the City would be exempting (for the first year) \$99,425 of new taxes from the real property tax rolls. The tax exemption would be shared among the taxing entities as follows: City - \$27,916; County/State - \$26,527; and USD 259 - \$44,982.

Sales tax exemption on IRB-financed purchases does not apply in this project. Bond proceeds will be used solely to purchase real property, which is generally exempt from sales tax.

Bond documents needed for the issuance of bonds will be prepared by bond counsel for the project. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Mark Robinson

President of Rubloff Development Group stated that they acquired Ryan International Airlines this summer and they were making the decision where to locate key personnel for Ryan. Stated that the key management people that are already here want to stay in Wichita. Stated that it is easier not to uproot those operations and keep those people here. Stated that the 3.5 million dollars was the acquisition price for them to put back into the building. Stated that based on the Letter of Intent they did some intermediate financing with the expectation that they would close on this project by the end of the year. Stated that they have had significant discussion with a number of communities about the location of an aircraft maintenance facility. Stated that they felt that Wichita was the choice for the aircraft maintenance facility because the people here are more familiar with the big aircraft and they intend to add more aircraft and have acquired a number of aircrafts and have a number of acquisitions plans to grow their business. Stated that in the past few months they have already added six aircraft to the Ryan fleet.

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- Council Member Fearey Council Member Fearey stated that she does not want to do something that the Council will regret later and suggested a referral on this Item until next week for the first hearing and then have a special meeting between Christmas and New Years for the second hearing assuming that it would pass next week. Stated that there are questions that need to be addressed and would like to make sure that the Council has all of the information that they feel they need and there is the issue regarding property that is existing instead of new construction and issues in bringing corporate headquarters into the City and keeping businesses in our central business district and that the Council is doing the right thing for the City.
- George Kolb City Manager stated that he did share some of the concerns that many of the Council are feeling and after meeting with the principles at Ryan and Rubloff, those questions were answered and resolved to his satisfaction so he would have no problem with approving the IRBs today. Stated that the original issuance of the IRBs to Ryan was to retain jobs and was in an existing building that they had renovated. Stated that was accomplished by the acquisition by Rubloff of Ryan International, and thinks that we have gone above and beyond the purpose of the original issuance of the IRB to the point where we are looking at additional employees and the potential of a maintenance facility that could relocate in Wichita, which gives him a comfortable feeling that approving these IRBs in this situation will more than pay for itself in the long-term. Stated that his reservations are gone and he would recommend approval.
- Council Member Lambke Council Member Lambke stated that he has no objection to a deferral or voting on this issue today but would like to respond to implications that were made regarding investigating other sites to locate this business. Stated that this seems a little bit intimidating to him for a company to come in and indicate that you either do this or we are moving. Stated that he does not think that this is a proper ploy for a company to take.
- Council Member Fearey Council Member Fearey stated that she has had her questions answered also.
- Motion-- Fearey moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds for Rubloff Wichita, L.L.C. in an amount not-to-exceed \$3,500,000 be placed on first reading and the necessary signatures authorized.
- carried Motion carried 6 to 1, (Lambke-No).

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$3,500,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series V, 2004 (Rubloff Wichita, LLC) for the purpose of providing funds to purchase and acquire a corporate headquarters; prescribing the form and authorizing execution of a Trust Indenture by and between the City and UMB Bank, N.A., Wichita, Kansas, as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Rubloff Wichita, LLC; approving the form of a Guaranty Agreement; approving the sublease of the project to Ryan International Airlines, inc. and Multimedia Hyperion Telecommunications Inc.; authorizing the execution of a Bond Placement Agreement by and between the City, Rubloff Wichita, LLC, and Rubloff Wichita Bonds, LLC, as purchaser of the Bonds, introduced and under the rules laid over.

THE COLEMAN CO. PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS, THE COLEMAN COMPANY, INC. (DISTRICT I)

Allen Bell Director of Economic Development reviewed the Item.

Agenda Report No. 04-1235

(Schlapp momentarily absent).

Between 1993 and 2002, the City Council has approved Letters of Intent to issue Industrial Revenue Bonds (IRBs) up to \$135 million to the Coleman Company, Inc. and has approved the issuance of

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\$121.8 million. Bonds were issued to finance the construction of a new corporate headquarters, the expansion of existing manufacturing facilities and the purchase of additional machinery and equipment for its manufacturing facilities in Wichita and Maize. In addition, the City Council also approved a 100% five-plus-five-year ad valorem tax exemption on all bond-financed property.

On November 16, 2004, City Council approved a new Letter of Intent for a term ending December 31, 2007, in an amount not-to-exceed \$35,000,000. The bond proceeds will be used for the redesign of factory space and for the purchase of additional manufacturing equipment, primarily machinery, tooling and technological equipment at the existing Wichita and Maize facilities. The company is now requesting the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$19,500,000.

In addition, pursuant to an existing Interlocal Cooperation Agreement between the City of Maize and the City of Wichita, the City of Wichita has the authority to issue Industrial Revenue Bonds in the amount not-to-exceed \$7.1 million to finance 2004 capital expenditures at Coleman's facility in Maize.

The Coleman Company, Inc. is engaged in the manufacturing and distribution of outdoor recreational products. The Company's principal products include a comprehensive line of pressurized lighting, cooling and heating appliances for camping and outdoor recreational use (such as Coleman lanterns and stoves), fuel-related products, including disposable propane-filled cylinders, a broad range of insulated food and beverage containers, portable electric lights, and other products for recreational use and do-it-yourself markets.

In early 2002, the Coleman Company began a series of steps to reestablish its worldwide headquarters in Wichita. The Wichita-based management team assumed direction of international operations in January 2002. Transition of corporate functions from Sunbeam's Florida office to Coleman's Wichita office is underway and will continue over the next few years. The Coleman Company employs 974 people at its Wichita facilities. The average salary for full time employees is \$44,880. Under current plans, the Company does not anticipate increases in employment

The uses of bond proceeds are as follows:

<u>Wichita Facilities</u>	
Building Improvements	\$ 3,500,000
Manufacturing Equipment	<u>31,500,000</u>
Total	35,000,000
 <u>Maize Facility</u>	
Manufacturing Equipment	<u>7,151,000</u>
Total	<u>7,151,000</u>
 <u>Total Cost of Projects</u>	 \$42,151,000

The City's bond counsel firm Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel in the IRB transaction. The Coleman Company will purchase the bonds, and as a result the bonds will not be offered to the public. The Coleman Company has complied with the Standard Conditions contained in the City's IRB Policy.

The Coleman Company, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Under the City's new Economic Development Incentive Policy, City Council approved of a 100% five-plus-five-year tax exemption on property purchased with bond proceeds, based solely on capital investment. In addition, bond-financed purchases are exempt for state and local sales tax.

Bond documents have been prepared by bond counsel. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

In addition to authorizing the issuance of the Series 2004 Industrial Revenue Bonds, the bond ordinance also authorizes the release of property financed by Series VIII, 1993 Bonds from the lien of the 1993 Bond Indenture and the conveyance of said property to Coleman upon receipt of certification by the

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Bond Trustee that no Series 1993 Bonds remain outstanding.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$19,500,000 and the release and conveyance of 1993 Coleman bond-financed property be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series IX, 2004 (The Coleman Company, Inc.), in the aggregate principal amount of not to exceed \$19,500,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Maize, Kansas and the City of Wichita, Kansas; prescribing the form and authorizing execution of a Tenth Supplemental Trust Indenture by and between the City and the Bank of New York Trust Company, N.A., as Trustee, with respect to the Bonds; prescribing the form and authorizing execution of a Tenth Supplemental Lease Agreement by and between the City and the Coleman Company, Inc.; Approving the form of a Guaranty Agreement; authorizing the execution of a Bond Purchase Agreement by and between the City and the Coleman Company, Inc., as purchaser of the Bonds; and authorizing execution of a Bill of Sale, introduced and under the rules laid over.

SANITARY SEWER

SANITARY SEWER TO SERVE AN AREA ON THE WEST SIDE OF ARMSTRONG, NORTH OF 35TH STREET NORTH. (DISTRICT VI)

Jim Armour

Acting City Engineer reviewed the Item.

(Mayor Mayans momentarily absent, Vice-Mayor Brewer in the chair).

Agenda Report No. 04-1236

On July 12, 2004, and August 2, 2004, District VI Advisory Board considered a petition to extend a sanitary sewer to serve two tracts on the west side of Armstrong, north of 35th Street North. The board voted 7-0 to recommend that the project be enlarged to include additional properties. Council Member Fearey and the City Engineering Staff subsequently met with affected property owners to develop a proposal that will serve the best interests of the neighborhood.

The proposed project will serve five homes that are currently on private septic tank systems. The Environmental Health Department reports that some of the septic tank systems are failing. A sixth home is included in the improvement district because it is connected to a City lateral sewer, but has not been included in a previous improvement district.

The estimated project cost is \$60,000, with the total assessed to the improvement district. The method of assessment is fractional basis. The estimated assessment to individual properties is \$10,000 per lot.

State Statutes provide the City Council authority to order in a sanitary sewer project.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Bob Kaplan

Mr. Kaplan stated that he is appearing on behalf of Jim and Cherai McIntosh who reside at 3619 N. Armstrong. Stated that this lot already has sanitary sewer service and that the reasons that the Armstrongs should not be included in this improvement district is because they derive no benefit and are currently served by sanitary sewer. Stated that they will not tap this new line or run a new lateral. Stated that it is incorrect to suggest that they have not paid for the line but correct to suggest that they have not been previously assessed by the City. The former owner was not assessed and that was through City inaction and came through faulty petitions that were not executed by the City and were not

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recorded in by which the City did not assess this property previously, however, this property was sold with infrastructure in place with sewer and water. Stated that his clients actually paid the enhanced value of the property so they have paid for this sanitary service they did not pay the City of Wichita but they paid the previous owner who was exempted by the benefit district. They statutes that governs improvement districts requires equitable assessments among those people who are benefited and this property is not benefited. Stated that his clients are the only non-served property being asked to pay for this sewer. Stated that not only are they being assessed for a sewer that they do not need but they are paying a 2004 cost to \$16,000.00 when previously when this was done the whole addition only cost \$8,500.00, so they are paying 2004 prices for a 1991 improvement.

- Jane Voth Ms. Voth who resides at 1435 and is between the two affected properties and that her septic system is working fine with regular routine maintenance. Stated why would she spend \$10,000 on something that she does not need and has lived at this location for 14 years and has had no problems with her septic system. Ms. Voth is asking that her property not be included in this and does not think it is right for the City to force her to pay \$10,000 when she does not have that kind of money.
- Steve Keener Mr. Keener who resides at 3623 N. Armstrong and that he and his wife filed the valid petition and that their lateral system has failed. Stated that he regrets that their need to get on basic city sewer service is causing other people in his neighborhood grief. Stated that his family desperately needs relief in this area and access as soon as they can get it.
- Mayor Mayans Mayor Mayans stated that he also received correspondence from Randy Sagerty who is a homeowner in this area at 3707 N. Armstrong opposing this improvement.
- Council Member Lambke Council Member Lambke stated that he agrees with the McIntosh's and wished there was a way to devise a system where they are exempt but in the future if the property accesses the services then they are assessed for the cost. Stated that the McIntosh's bought the property in good faith and there is no record of the assessments on the abstract so they have a valid point.
- Council Member Gray Council Member Gray stated that he understands the McIntosh's position and that the City was in error for not making note of this on the deed and is often that the City has to pay for their mistakes and this is another one of those instances. Stated that he understands that septic systems do fail and the sewer lines need to be in place and that they would not be allowed to replace their septic system with another septic system. Stated that he is supporting the ordering in of this but does not support the McIntosh's having to pay for it because they are already being served.
- Council Member Fearey Council Member Fearey asked if the McIntosh's are exempted from this, who pays.
- Gary Rebenstorf Director of Law explained that if they are exempted then the City would have to pick up the cost of whatever their assessment is. Stated from a legal standpoint the City is not relying upon the agreement with the former property owner as the basis for this assessment, we are relying upon the statute that says the Council has the authority to deem what is the benefit district and what properties benefit from this. The definition that courts have followed for benefit is looking at whether there is any benefit to the land now or in the future and in this situation we are not looking at the agreement but are looking at whether the property benefits and it does benefit from the sewer. Stated that the problem between Mr. McIntosh and the former owners was the issue of whether they should have been told by the people they bought the house from that there was a special assessment pending and if they would have checked with the City the City would have told them that there was special assessments in the works for this piece of property. Stated from a legal standpoint the City is following the statute to deem the property benefited under the law.
- Motion-- Fearey moved that the project be approved and the resolution adopted. Motion carried 5 to 2, (Nays--carried Gray and Lambke).

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RESOLUTION NO. 04-676

Resolution of findings of advisability and resolution authorizing construction of Lateral 144, Main 4, Sanitary Sewer no. 23, (north of 35th Street North, west of Arkansas) 468-83846, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas. presented. Fearey moved that the Resolution be adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Martz, Schlapp, Mayans. (Nays, Gray and Lambke).

INTL FIRE CODE

INTERNATIONAL FIRE CODE-ADOPTION OF THE 2000 EDITION, REPEALING CHAPTER 15.01 OF THE CITY CODE, AND ORDINANCE NO. 46-255.

Ed Bricknell

Fire Marshall reviewed the Item.

(Gray momentarily absent).

Agenda Report No. 04-1237

On October 19, 2004 the City Council approved the adoption of the 2000 Edition of the International Fire Code. It was later discovered that errors were made in the form of the ordinance as presented to the Council.

The proposed ordinance amendment corrects the errors made in the form of Ordinance No. 46-255, which was approved by the Council in October. No substantive changes to the body of the ordinance already approved are contained the proposed amendment.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Mayans moved that the ordinance be placed on first reading. Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance adopting the 2000 International Fire Code and City of Wichita amendments thereto as Chapter 15.01 of the Code of the City of Wichita, Kansas, and repealing the original of Chapter 15.01 of said Code and repealing Ordinance No. 46-255, introduced and under the rules laid over.

FUNERAL ESCORT

FUNERAL ESCORT LICENSING-AMENDING SECTION 3.74.020 OF THE CITY CODE, PERTAINING TO THE LICENSING OF FUNERAL ESCORT SERVICES.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 04-1238

On July 20, 2004 the Council approved amendments to the City's ordinance on licensing funeral escort services. It was later discovered that in Section 3.74.020, an error was made regarding the licensing process, in that persons desiring to be licensed to operate a funeral escort service were directed to submit their license applications to the city clerk's office, on a form containing information required by that same office. The correct location for licensing activity is the city treasurer's office, and that office also is responsible for preparing forms for license applications.

The proposed ordinance amends Section 3.74.020 of the City Code to correct the error in the earlier amendment and requires that applicants for a funeral escort service license should be submitted to the city treasurer's office and shall be on a form and contain information required by that same office.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Mayans moved that the ordinance be placed on first reading. Motion carried 7 to 0.

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ORDINANCE

An Ordinance amending Section 3.74.020, as set forth in Section 2 of Ordinance No. 46-203 of the Code of the City of Wichita, Kansas, pertaining to licensing applications for funeral escort services and repealing the original of said section, introduced and under the rules laid over.

ARTS FUNDING

FUNDING SUPPORT FOR THE ARTS.

Kristen Peck

Chairman of the Arts Task Force reviewed the Item.

Agenda Report No. 04-1239

In 1994, the City Council and the Arts Council commissioned an independent study of the impact and potential of local arts and culture, which resulted in the approval of the Wichita Community Cultural Plan. One of the goals of the Cultural Plan was to establish a funding mechanism that would encourage cultural resources to become active partners.

On March 16, 2004, the City Council approved the formation of an Arts Task Force. The Arts Task Force was asked to accomplish the following and return with their recommendations:

- Study current funding support for the arts;
- Determine an equitable process for the City Council to evaluate requests for funding;
- Develop public and private funding options and;
- Designate the appropriate department for which the Division of Arts and Culture should reside.

The Task Force has determined a fair and equitable process that will protect the City's current \$75 million investment in the arts while encouraging the development of other existing and emerging organizations. The Task Force believes that they City must protect its current investments in the organizations that have become an integral part of the community's culture. This investment includes the City's ownership of various properties and entities within the community including the Wichita Art Museum, Old Cowtown, Botanica, and many others. Through historical agreements, the City has made substantial investments in these facilities to purchase, promote and maintain them.

The Task Force believes that the current levels of funding and in-kind support continue to protect the \$75 million investment the City of Wichita has made to the arts. It is imperative that the City continues to promote and encourage growth of the arts as a vehicle for cultural tourism rather than make further reductions to the arts or simply maintain the status quo. A resolution establishing a funding formula needs to be approved/adopted for the arts and cultural community.

The process for performance-based criteria developed by the Arts Task Force creates an equitable and fiscally responsible method for distributing funds to arts organizations. A funding formula has been established that would dedicate a portion of the mill levy, at a level approximating the amount that would be raised in a year by .77 mills, with the intent of allocating the funds to support arts and cultural organizations and their facilities.

Council Member Martz

Council Member Martz stated that he does not feel that the Sister Cities belong in the arts and that we need to be able to identify what are the arts and what is not and thinks that this is one reason why there are questions that continue to arise regarding how this is being done and does not think that the Sister Cities belongs in this particular area. Stated that he thought when this was first formed that the task force was going to look at other sources of funding.

Kristen Peck

Ms. Peck explained that the Arts Council and individual art organizations will continue to look for private funding and there was some discussion as to whether or not they would create a united arts fund and that the Arts Task Force and many of the organizations in the community did not agree with that so what they decided was that the individual organizations themselves would continue to go out and search for funding and as part of the recommendations, they would look at perhaps if the City is going to give a grant to an art organization that they need to actually go out and find matching funds. Stated that they think that private funding must continue to increase and enhance the arts in our community and another issue is looking at a Workplace Giving Program, which is something that the Arts Council has opted to take on and explore for this community.

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- Council Member Martz Council Member Martz stated that this whole project is more than what the Council is seeing today and has some concerns and reservations on the resolution being proposed today.
- Council Member Gray Council Member Gray stated that he does not want to get in a situation where we are short funded somewhere where we have to cut from another department because the art dollars cannot be touched.
- John D'Angelo Art Director explained that all they are asking regarding the resolution is to create a mechanism that says on an annual basis as part of the budget process, they will use .77 mills as a number and that is what they will work from to bring forth a budget for the manager and the Council.
- Gary Rebenstorf Director of Law explained that the Resolution if adopted would be the intent of the Council at that point if budget issues arise in the future then the Council could amend the resolution to change the amount. The resolution expresses the will of the Council.
- Mayor Mayans Mayor Mayans stated that he feels that .77 mill levy is low and are currently earmarking one percent for art in the capital improvement and would like to increase the amount from .77 mills to 1.0 mill. Stated that by increasing it to 1.0, it would provide more initial funding. Stated that he would like to strike Sister Cities from the resolution and change the .77 mills to 1.0.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.
- Teresa Day Ms. Day, Director of the Kansas Aviation Museum, stated that she is one of the strongest advocates of the City's generous support of the arts and is also an advocate for the museum and is here to ask for the Council's support for the museum.
- (Mayor Mayans momentarily absent, Vice-Mayor Brewer in the chair.)
- (Martz momentarily absent.)
- Charles Steiner Mr. Steiner, Director of the Wichita Art Museum, stated that he is an active member on the Arts Task Force and is concerned that while consolidation of the arts will improve the efficiency of City government in terms of how the arts can be handled and administrated, thinks that the individual needs of the different disciplines will be lost. Stated that this issue is complex and that it is important to support the arts but would like more analysis into how this should be done to ensure that the individual needs of each discipline are guaranteed.
- Don Grant Mr. Grant, Vice-President of the Board of Trustees for the Kansas Aviation Museum, stated that we do not have a world class aviation museum in this town and that we have earned it and have the history and the building and a tremendous collection and have been working to prove themselves. Stated that they have tremendous momentum right now and are ready to launch a major fund raising campaign with the support of a lot of people in this community to build a world-class hangar to house the only flying B-29 in history. Stated that they need the Council's help and find the resolution troubling to come up with a way to stream line the way that people get money from the City. Stated that he finds this exclusive and not inclusive. Stated that he does not feel that anybody should just be automatically entitled to those assets and should be something that is reviewed on a regular basis with a set of criteria, which includes everyone to have the opportunity.
- Mayor Mayans Mayor Mayans stated that the City also has a responsibility to those people that the City has been funding to continue with at least the same amount of funding and there is a provision for their performance after the funding is granted for the existing organization and any other organization.
- Council Member Martz Council Member Martz stated that he is very concerned with what this is accomplishing and that he does not feel that there is a need for the resolution because he does not want his hands tied to what they spend and thinks that it is too restrictive to what the Council can do. Stated that he does not like the idea of tying a specific portion of the mill levy to this and that we may find that we need more or less money and that he does not feel that the resolution is complete enough to support today.

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Motion--
--carried

Schlapp moved to defer the Item until the December 21st meeting and to make a recommendation that is comfortable for the entire community. Motion carried 7 to 0.

GRANTS REVIEW

GRANTS REVIEW COMMUNITY APPOINTMENTS.

Tom Smith

Finance Department reviewed the Item.

Agenda Report No. 04-1240

On March 28, 2000, the City Council approved the change in composition of the Grants Review Committee due to the abolishment of the Human Services Advisory Board and the Citizen Participation Organization. The newly established Grants Review Committee is now comprised of twelve (12) members from the following areas: 4-District Advisory Board; 1-United Way; 1-Sedgwick County; 1-USD #259; 2-Wichita Independent Neighborhood Association; 1-Wichita State University; 1-large business and 1-small business.

The Grants Review Committee reviews the funding applications, holds one public hearing/applicant presentation and makes funding recommendations to the City Council.

The City Council is requested to select one large business representative and approve the new and carryover appointments to the Grants Review Committee. A list of the proposed Grants Review Committee members and two large business nominees are attached. In the event one of the nominees is unable to serve, it is requested the City Council authorize the City Manager to appoint a replacement.

The City has completed the required actions and the Council may make the appointments to the Grants Review Committee.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the new and carryover appointments to the Grants Review Committee be approved. Motion carried 7 to 0.

MAINT. INITIATIVE

MAINTENANCE INITIATIVE.

Doug Kupper

Director of Parks and Recreation reviewed the Item.

(Schlapp momentarily absent)

Agenda Report No. 04-1241

The Park and Recreation Department budget includes a Maintenance Initiative contingency budget of \$161,400 for 2004 Revised and \$164,160 for 2005 Adopted Budgets, respectively. This contingency budget was established for the Park and Recreation Department enhancements as a result of workers compensation savings generated by shifting seasonal Staffing to a contract temporary service provider. The Maintenance Initiative plan has been completed. However, the contingency budget requires City Council authorization prior to expenditure.

The Park and Recreation Department Staff, with input and review by the Finance Department Staff, has developed the attached Maintenance Initiative plan. The Maintenance Initiative plan addresses the need of additional resources to protect capital investments in newly developed parks, medians and right-of-way projects. The plan adds three new full-time positions and two seasonal contract employees, along with the crucial vehicle and equipment needed to support the investment in four targeted areas:

1. Irrigation systems
2. Downtown landscapes
3. Riverside Park system
4. Pathways

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The plan identifies expenditures within the adopted budget. The capital outlay of one new vehicle and several grounds maintenance units are targeted for purchase in 2004, but will require shifting to the 2005 budget to allow time for development of specifications and advertisement for bid.

The Contingency budget requires City Council approval prior to expenditure.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the Maintenance Initiative plan and the necessary budget adjustments to carry over the 2004 appropriations to 2005 for capital outlay expenditures and new positions for 2005 as identified be authorized. Motion carried 7 to 0.

--carried

135th ST. W TO AZURE 13TH STREET NORTH IMPROVEMENT FROM 135TH STREET WEST TO AZURE. (DISTRICT V)

Jim Armour

Acting City Engineer reviewed the Item.

(Brewer momentarily absent)

Agenda Report No. 04-1242

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve 13th Street North from 135th Street West to Azure. District V Advisory Board sponsored an October 4, 2004, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project. The Sedgwick County Commission has agreed to participate in the project funding.

The proposal is to build a four-lane roadway with a landscaped median. Left turn lanes will be provided at intersecting side streets. A storm water sewer will be constructed to improve drainage. The available right-of-way will be landscaped. Construction is planned for 2007.

The estimated project cost is \$2,100,000 with \$700,000 paid by the City, \$300,000 by Sedgwick County and \$1,100,000 by Federal Grants administered by the Kansas Department of Transportation. The Funding source for the City share is General Obligation Bonds. A City/County agreement has been prepared that sets forth the basis of the County's payment.

Council Member Gray

Council Member Gray stated that he questions the need for a four-lane road and the need for median landscaping and thinks that it is an unnecessary expense.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Tim Stockton

Mr. Stockton, who is a member of the Hickory Creek Homeowners Association, stated that he feels that there is not a need for a four-lane road. Stated that there are mature trees on one side of this street and that this project contends to take those trees out and the homeowners would like to see the trees stay because they provide charm and privacy to the area, which is one of the reasons they purchased their homes there. Asked the Council to consider to revise the plan and move further north to maintain the trees and save the expense of landscaping and the removal of the trees.

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Council Member Martz Council Member Martz stated that this issue was discussed a lot at the District Advisory Board and the reason that this project cannot be moved further north is because there is property located north and that they would not be removing all of the trees that some would be retained. Stated that he sees the need for a four-lane because of 119th Street, which should have been a four-lane street. Stated that there is a lot of growth anticipated in this area and he is in favor of doing things right as we go along and that regarding the median there is not a lot of cost difference.

Motion-- Martz moved that the project and City/County agreement be approved; the Ordinance placed on first reading and the signing of State/Federal agreements be authorized as required. Motion
--carried carried 6 to 1, (Gray-No).

ORDINANCE

An Ordinance declaring 13th Street North, between 135th Street West and Azure (472-84131) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

29TH ST. N. IMPROV. 29th STREET NORTH IMPROVEMENT FROM TYLER TO RIDGE. (DISTRICT V)

Jim Armour Acting City Engineer reviewed the Item.

Agenda Report No. 04-1243

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve 29th Street North, from Tyler to Ridge. District V Advisory Board sponsored a December 1, 2003, neighborhood hearing on the project. The board voted 5-1 to recommend approval of the project but had concerns about the impact of deceleration lanes on adjacent neighborhoods. City Engineering Staff and design consultant representatives subsequently met with adjoining neighborhood associations to resolve those concerns.

The project will reconstruct 29th Street North to provide four through lanes and a landscaped median. Left turn lanes will be provided at the major entrances into adjoining residential neighborhoods. A storm water sewer system will be constructed to eliminate the ditches along the roadway. The intersection of 29th at Ridge will be signalized. The available right-of-way will be landscaped. Construction is planned for 2005/2006.

The estimated project cost is \$3,000,000 with \$987,000 paid by the City and \$2,013,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds (GO). The project is included in the approved 2004-2013 CIP for 2005 (\$785,000 GO, \$1,390,000 Federal). Funding for the increased City cost is available from lower than expected costs on the 29th Street improvement, Maize to Tyler and the 13th Street bridge project at Cowskin Creek.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Martz moved that the project be approved; the Ordinance placed on first reading and the signing of
--carried State/Federal agreements as required be authorized. Motion carried 6 to 1, (Gray-No).

ORDINANCE

An Ordinance declaring 29th street north, between Tyler and Ridge (472-83903) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

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AIRPORT TEAMSTER AIRPORT TEAMSTER LOCAL 795 MEMORANDUM OF AGREEMENT.

Lori Wilkerson Acting Personnel Director reviewed the Item.

Agenda Report No. 04-1244

The City has reached a three-year agreement with Airport Teamster Local 795. The agreement will be in effect for the period of December 18, 2004 through December 14, 2007.

The current agreement with Airport Teamster Local 795 expires on December 17, 2004.

The three-year agreement calls for wage increases of three percent for each year of the agreement, increases in longevity pay, increase in EMT pay, expanded substance abuse testing, formation of pay-for-performance committee, and other minor language changes agreed to by the parties.

The City has agreed to the following key Tentative Agreement Items with the Airport Teamster Local 795:

- § A 3% across the board increase effective December 18, 2004.
- § A 3% across the board increase effective December 17, 2005.
- § A 3% across the board increase effective December 16, 2006.
- § Increased Longevity pay:
 - Ø Current Longevity pay – Employees who have completed 11 years of service shall receive \$2.00 per month times the number of years of accumulated service.
 - Ø New Longevity pay provision
 - o Employees who have completed 6 years of service shall receive \$2.00 per month times the number of years of accumulative service.
 - o After 11 years of service employees shall receive \$4.00 per month times the number of years of accumulative service.
 - o Effective December 17, 2005 employees who have completed 11 years of service shall receive \$5.00 per month times the number of years of accumulative service.
- § A performance pay committee will be formed to develop a performance-based pay system.
- § Beginning July 1, 2005, all employees shall be subject to random drug and alcohol testing. Both parties agree to meet and confer in good faith to develop an acceptable policy.
- § EMT pay increased from \$32.00 to \$35.00 biweekly, for an annual increase of \$780.00.
- § Incremental increase of special duty overtime pay over a three-year span. Three percent in 2005, four percent in 2006, and five percent in 2007. Special duty pay is reimbursed to the City from federal funding.

The total cost associated with contract negotiations and salary/wage adjustments will be financed with budgetary and reserve funds contained in the 2005 approved budget. The City Manager will work with the City Council to provide funding options for the revised 2005 and 2006 budgets.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

(Fearey momentarily absent)

Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion
--carried carried 6 to 0, (Fearey absent).

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WATER/SEWER

WATER AND SEWER RATE ADJUSTMENTS.

David Warren

Director of Water and Sewer reviewed the Item.

Agenda Report No. 04-1245

Rates of both Utilities are almost exclusively driven by capital needs associated with major investments to assure that Utilities are able to keep pace with growth in the metropolitan area and to replace aging infrastructure. The funding of the aquifer recharge project and additions to sewage treatment capacities are primary examples.

Through careful planning, the Utility has been successful in the avoidance of “rate shock” by maintaining rate adjustments that correspond directly to the capital needs of the Utility. In addition, the careful planning of bond sales and maintenance of expenditures has allowed the Utility to adjust original projections.

The Adopted 2005 Budget provided for rate adjustments in the amount of 4 percent for Water and 3 percent for Sewer. The most recent analyses of rate requirements in both Utilities have led to a recommendation that no increase be adopted for the Water Utility, but that a 5 percent rate increase be adopted for the Sewer Utility. The impact to the consumer of the 5 percent increase in the Sewer Utility will be less than the impact of a combined 7 percent increase for both Utilities as was originally projected.

The Water and Sewer Utilities have initiated, or will initiate, several major capital improvement projects. In addition to the above projects, many capital expenditures are incurred in order to address the replacement and reconstruction needs of an aging Utility infrastructure. These total approximately \$5 million annually in Water and \$4-to-\$5 million annually in Sewer. This extensive and necessary capital project list for the Sewer Utility requires a rate increase for 2005.

In the case of the Water Utility, the recurring taste and odor issues associated with surface water conditions at Cheney prompted the need to aggressively pursue a solution to this problem. In 2004, City Council approved a 7 percent increase in Water Utility rates, of which 4 percent was attributable to efforts to alleviate the taste and odor problem. Operational expenses associated with feeding powder activated carbon (PAC) were less than anticipated. In addition, the feeding of PAC and the upcoming construction of ozonation facilities eliminated the need for capital expenses of \$2.5 million associated with basin cleaning facilities. Overall, the assessment of needs in the Water Utility have led to a recommendation for no rate increase for 2005.

The Sewer Utility has had more severe rate pressures for a variety of reasons. Capital expenditures for the Cowskin Creek Water Reclamation Facility (Northwest) and needed improvements to Four Mile Creek have been substantial. Further, there is a time lag from the time of the construction of facilities and the realization of revenue potential from their construction and expansion. The pending construction of the Mid-Continent facility is another case in point. The downturn of the local economy, particularly as related to manufacturing, had a disproportionate impact on the Sewer Utility, since a higher proportion of Sewer revenues come from commercial and industrial accounts.

In the 1980s, bond covenants for both the Water and Sewer Utilities were modified to allow for a “cross collateralization” of the two Utilities, in essence creating a combined Water and Sewer Utility. Traditionally, the Water and Sewer Utilities have been accounted for as separate Utilities; however, from a strictly legal standpoint, the only requirement is that the combined Utility maintains the required debt service coverage ratio (120 percent).

The relative financial strength of the Water Utility versus the Sewer Utility currently allows the application of these cross collateralization provisions of the bond covenants and allows for temporary rate relief. Long-term, it is recommended that the 120 percent debt service coverage provisions be maintained in each Utility. A 5 percent rate increase in the Sewer Utility will assure that the 120 percent combined coverage ratio is maintained in the short-term. The average residential customer will see a 5 percent increase in Sewer rates resulting in an additional billing of fifty cents (\$.50) per month.

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The attached ordinances, under the directive of previous City Council actions, also increase the outside City rate differential to fifty-nine percent (59 percent) in this fourth year of a phased program to increase the total rate differential to sixty percent (60 percent) over a five-year period.

A 5 percent rate increase is proposed for the Sewer Utility in 2005. No increase is proposed in Water Utility rates. This will fully fund the operating and capital program for the Water and Sewer Utilities in 2005. The Finance Department concurs with this recommendation.

City Council approval is required to implement rate adjustments.

Mayor Mayans Mayor Mayans stated that he is going to recommend that the sewer rates not be increased by 5% but to keep at 3%, which was projected.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved to approve a 3% adjustment instead of 5% on the sewer utilities and the Ordinances
--carried placed on first reading; and the necessary signatures authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 16.14.040 of the Code of the City of Wichita, Kansas, relating to the schedule of rates for users of the sanitary sewer system, and repealing the original of said Section, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, pertaining to the schedule of rates and charges for water service, and repealing the original of said section, introduced and under the rules laid over.

KINGSBURY PARK KINGSBURY PARK.

Agenda Report No. 04-1246

On October 19, 2004, the City Council approved a lease agreement with Quik Sand, Inc. Under terms of the lease agreement, Quick Sand will mine aggregate from the Kingsbury Tract and thereby create water features for a park that will be developed on the site. As a part of the lease approval, the Council directed that the Master Plan be returned to them for approval and that prior to that time, the plan should be presented to the Park Board and to District Advisory Board VI for their comments. On November 8, 2004, the plan was presented to the Park Board and was approved. On December 8, a revised plan indicating alternate sites for a future sanitary sewer plant facility was reviewed by the DAB VI Board. On December 13, the updated and revised plan was reviewed by the Park Board.

The attached Master Plan has been developed by the architectural firm of Wilson Darnell Mann, with input from and review by the staff of the Park and Recreation Department. The Master Plan fulfills the program requirements of the future park set forth by the Park and Recreation Department.

Although the current 2005 CIP does not provide for design services in this Plan, the City needs to move quickly in preparation for a more complete set of plans to ensure proper shoreline and road alignments and other future infrastructure improvements, such as bike tunnels and bridge designs. Furthermore, basic configurations and lake profiles should be properly designed and planned for construction purposes. Provisions for additional ongoing design services can be reimbursed with revenues from the mining agreement. The design documents will also provide a framework for cost estimation and projections of future facilities within Kingsbury Park.

The financial aspects of this project are contained in the Lease Agreement approved by the City Council on October 19, 2004. Quick Sand, Inc paid the cost of developing the Master Plan.

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The Lease Agreement required Quick Sand to receive City Council approval of a Master Plan prior to commencement of mining operations. This Plan is submitted to fulfill this requirement.

- George Kolb City Manager stated that this was on the agenda prematurely and that in October the Council approved a lease agreement with a master plan development to come back to the Council after the wastewater treatment plan had been sited and there has been no final siting of that plan and he is recommending that this be deleted from the agenda in conformance with the motion of October 19, 2004.
- Council Member Fearey Council Member Fearey stated that she thinks this Item should be pulled because the motion that was made on October 19th said that no final development plan be approved until the siting of the satellite sewer plant for District VI has been decided on or for six months and apologized that this Item got on the agenda.
- Ron Cornejo Mr. Cornejo who is representing Quik Sand stated that he brought the Council a master plan of the park and were told at the meeting that they had to provide a location for the future sewer plant and in the master plan they provide for two different locations in the event that Mr. Warren decides to put it in a park. Stated that he thought the Council was aware of that and was here today to present the plan.
- Council Member Brewer Council Member Brewer asked how this Item got on the agenda.
- Doug Kupper Director of Parks and Recreation stated that he failed to research and read Council Member Feareys' motion in October and that he did discuss this with David Warren and it is his fault that he misunderstood what Council Member Feareys' motion was.
- Council Member Gray Council Member Gray stated that he does not see why Quik Sand cannot start with some of their preliminary work now.
- George Kolb City Manager explained that the lease between Quik Sand and the City prohibits any activity going on at the site until after the master plan is approved. Stated that the Council can amend the lease agreement with all parties agreeing to get around this clause. Stated that this is an option in lieu of having the master plan approved before Mr. Cornejo can start on any work.
- Ron Cornejo Mr. Cornejo stated that he would be agreeable to not extract and export any sand until after this is resolved. Stated that they would just like to get some of the preliminary work started and does not foresee any extraction taking place until summer.
- Council Member Gray Council Member Gray inquired if there would be any way to direct the Director of Law to create a revision in the lease agreement that will allow Mr. Cornejo to do certain preliminary work but not to do any extraction of sand so that the Council can appease the people who are interested in the siting of the sewer treatment plant.
- Gary Rebenstorf Director of Law stated that he could fashion that type of conditions for changing the agreement.
- Motion-- Martz moved that the Council direct Gary Rebenstorf put together a plan and to bring it back to the Council next week to do whatever preliminary steps there are up to extracting sand. Motion carried 6 to 1, (Fearey-No).
- carried

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INDOOR TENNIS

INDOOR TENNIS CENTER.

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 04-1247

The current CIP program includes \$2.5 million to partially fund the construction of an indoor tennis facility at the Ralph Wulz Riverside Tennis Center. In May of this year, a request for proposals was issued seeking a partner to construct and manage the tennis center. Two proposals were submitted.

The two respondents made presentations to the City of Wichita selection committee, the City of Wichita City Council, and the Board of Park Commissioners. Staff was also directed to have both respondents present at the District Advisory Boards. After much discussion, the following main concerns and questions were:

- City partnership with a non-profit vs. a for-profit.
- Is there a need for this facility?
- Is this facility proper use of City parkland?
- Is additional research and citizen input needed to make a more informed decision?

Staff suggests the development of a comprehensive plan that will ensure that the proper research will be conducted to evaluate existing indoor tennis opportunities to determine if additional courts are needed. Additionally, the plan will address the non-profit and for-profit management issues of the facility.

Staff suggests the hiring of a consultant to develop the comprehensive plan.

The \$2.5 million will remain identified in the current CIP under Ralph Wulz Riverside Tennis Center.

Mayor Mayans

Mayor Mayans stated that with all of the important issues that we have in the City, to have this 2.5 million dollars sitting in a budget where no agreement has been reached for three years, that it is a tremendous waste of resources and that the Council has a responsibility to make sure that these resources are used where most needed. Stated that as the Council looks at the budget and all of the other priorities in the community he does not know how it would be sustainable to leave this money there.

Council Member Fearey

Council Member Fearey stated that she would support keeping this money in the CIP.

Mayor Mayans

Mayor Mayans stated that he would like to go on record that he thinks it is a hard sale to tell the people of Wichita that the Council wants to put 2.5 million dollars towards tennis for a few people or do we want to put it towards the areas in the community that have not participated in the "American Dream" and if they feel that passionate that tennis is more important than vote no. Stated that this sends a strong message to the 21st Street Rehabilitation.

Council Member Martz

Council Member Martz stated that he would like to vote on the tennis issue and then the funding issue.

Council Member Fearey

Council Member Fearey stated that these are two different issues and would like to discuss the funding part of this issue and this is a different issue than the tennis. Stated that she is prepared to reject both the tennis proposals today and then if the Council would like to go into a workshop we could discuss where this CIP money should go.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

(Schlapp momentarily absent)

Motion--carried

Mayans moved to split the question between the proposals and the funding. Motion carried 5 to 1. (Schlapp absent and Lambke-No.)

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- Motion--carried Martz moved that the Council reject both proposals. Motion carried 6 to 0, (Schlapp abstained).
- Motion-- Mayans moved to re-appropriate the money that has been retained for the Ralph Wulz Riverside Tennis Center to the 21st Street Corridor Rehabilitation Plan.
- Council Member Martz Council Member Martz stated that he does not feel that he is prepared to support this motion today because this has not been part of the background up to this point. Stated that up to this point the issue has been whether or not to accept the tennis and no discussion anywhere about if this is turned down where to re-appropriate the money and he cannot support this and prefers that the money stay available for future discussion.
- Substitute Motion--
--carried Fearey moved a substitute motion that the money stay as it is for future discussion in the CIP process. Motion carried 4 to 3, (Nays-Mayans, Brewer and Gray).

SALARY ORD.

AMENDMENTS TO SALARY AND POSITION CLASSIFICATION ORDINANCE.

Lori Wilkerson Acting Personnel Director reviewed the item.

(Martz momentarily absent.)

Agenda Report No. 04-1248

Agreements have been reached for 2004, 2005 and 2006 with the Fraternal Order of Police, Lodge #5; the International Association of Fire Fighters, Local #135; and the Service Employees International Union, Local #513. The wage rates and other economic terms and conditions of employment already agreed-upon and approved by the City Council are incorporated into this amendment. Beginning on page 12, Section 10 (Pay Rates) shows in bold the changes from these negotiations. These rates and changes go into effect with the pay period beginning December 18, 2004.

The agreement negotiated with the Teamsters Local #795 (Airport) is on the Council Agenda today. The rates in this agreement are also reflected in this amendment.

Also incorporated are the recommendations regarding pay rates and other Items for nonexempt employees who are not represented by a bargaining unit, and exempt and management employees. The exempt and management groups have not received a General Pay Adjustment (GPA) for the last two years.

Throughout the year the Personnel Division is requested to review various classifications to determine if they are meeting the needs of the City and departments, and are appropriately classified. Maintaining internal equity in the classification system is also a major consideration and the reason for some reclassifications. There are also some job description revisions that result in minor ordinance changes, but that are necessary to ensure that job descriptions are accurate. For this ordinance there are also many other title changes recommended to be more consistent in how job levels are titled and to eliminate the "director" title for any but department directors. This effort inspired a number of other "clean-up" title revisions, such as deleting any that are no longer in use.

Classification and title changes: The proposed amendments to job descriptions, titles and reclassifications are Itemized below.

Titles deleted: Assistant City Engineer – not in use
Community Relations Liaison – not in use
Computer Machine Operator I and II – not in use
Director of Airport Administration – not in use
Fleet and Buildings Director – not in use
Information Systems Coordinator (A) & (B) – consolidated into Information Systems Coordinator
Judge Pro-tempore – covered in separate ordinance provision
Marketing Coordinator – not in use

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Neighborhood and Community Services Director – not in use
 Neighborhood Services Director – not in use
 Parking Control Checker – not in use
 Planning and Administration Director – not in use
 Planning and Development Engineer – not in use
 Recreation Director – not in use
 Watson Park Assistant Manager – not in use

New position titles – These result from creating new positions in the budget, classification studies, job description revisions, deleting unused titles and/or revising titles.

Proposed Title	Current Title	Comment
Advance Plans Manager	Land Use Supervisor	Match org. chart and reflect division director level
Airport Engineering & Planning Manager	Director of Airport Engineering & Planning	Change from Director
Airport Public Safety Chief	Chief, Airport Public Safety	Revise title
Air Service Development Coordinator	Air Service Development Director	Change from Director
Arts & Cultural Services Manager	Arts & Cultural Services Director	Change from Director
Assistant Golf Professional new title	Recreation Supervisor I	Reclassification to appropriate
Associate Human Resources Specialist	Associate Personnel Technician	Revise for change to
Bacteriologist	Bacteriologist I & II	Delete I & II titles
Botanica Manager	Botanica Director	Change from Director
Building Equipment Supervisor	Equipment Supervisor	Revise title
Buildings		
Building Services Manager	Building Services Director	Change from Director
Career Development Manager	Career Development Director	Change from Director
Century II Manager	Century II Director	Change from Director
Chief Probation Officer common court title	Municipal Court Supervisor	Revise to more
Counselor	Counselor I & II	Delete I & II titles
Current Plans Manager director level	Current Plans Supervisor	Revise to reflect division
Deputy Airport Public Safety Chief	Deputy Chief, Airport Public Safety	Revise title
Deputy City Clerk	Administrative Assistant	Reclassification to new title
Director of Human Resources	Personnel Director	Revise for change to Human Resources
Economic Development Administrator	Financial Projects Director	Change from Director, and revise to better describe function
Environmental Services Manager	Environmental Services Supervisor	Revise to reflect division director level
Environmental Specialist		Reclassification of more than one position to appropriate new title
Fleet Maintenance Services Manager	Fleet Maintenance Services Director	Change from Director
Geologist appropriate new title	Associate Planner	Reclassification to
Golf Course Food & Beverage Manager appropriate new title	Recreation Supervisor I	Reclassification to
Golf Professional I new title	Recreation Supervisor II	Reclassification to appropriate

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Proposed Title	Current Title	Comment
Golf Professional II appropriate new title Change from Director	Golf Professional Government Relations Officer	Reclassification to Government Relations Director
Historic Museum Manager	Historic Museum Director	Change from Director
Human Resources Specialist Human Resources	Personnel Technician	Revise for change to
Laboratory Administrator	Laboratory Director	Change from Director
Library Services Administrator	Library Services Coordinator	Revise to better reflect level of positions
Marketing Services Coordinator	Marketing Services Director	Change from Director
Municipal Court Clerk common court title	Municipal Court Supervisor	Revise to more
Museum Operations Supervisor nonexempt range	Security Officer	Reclassification from 623 to exempt range 119 for expanded supervisory duties
Natural Resources Coordinator and to better	Resources Director	Change from Director, describe function
Property Management Administrator	Property Management Director	Change from Director
Senior Storekeeper title	Storekeeper (Senior)	Revise inexplicable
Sewer Maintenance other Water Superintendent directors	Superintendent of Sewer Maintenance	Revise to be consistent with & Sewer division
Technical Services Coordinator	Technical Director	Change from Director
Transportation Planning Manager	Transportation Supervisor	Revise to reflect division director level
Utility Customer Service Manager	Manager, Water Customer Service	Revise to more up-to-date title
Utility Services Coordinator		New position
Water Quality Program function Supervisor	Environmental Services Technician	Revise to better describe

Reclassifications – Management has approved these actions but they are included in this amendment because they involve changing existing titles to different pay ranges. Reclassifications are based on the duties of the positions having changed or expanded over time or because of specific reorganizations. It is important that positions be classified consistent with the appropriate level for the duties performed.

Air Quality Program Supervisor – upgrade from exempt range 116 to 114
 Chief Information Officer – upgrade from management range 005 to 004 – new department director
 Environmental Quality Specialist – upgrade from exempt range 118 to 117
 Public Health Sanitarian I – upgrade from nonexempt range 623 to 625
 Public Health Sanitarian II – upgrade from exempt range 117 to 116
 Public Information Officer – upgrade from exempt range 116 to 113, and change title
 Traffic Maintenance Supervisor – upgrade from exempt range 117 to 115

Pay raise recommendations for nonexempt, non-represented employees: It is recommended that a 3% General Pay Adjustment (GPA) be granted for 2005 and 2006 to match that agreed upon for the SEIU. It has long been the practice to match these groups because many are the same job titles doing similar work. It would be unreasonable to have, for example, a Secretary in one department who is represented by SEIU being paid at a different level than a Secretary in another department who is not represented.

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An unusual situation exists regarding Police Lieutenants (not represented). They received a 2% GPA for 2004. Since then, 3% GPAs have been approved for represented police personnel, retroactive for 2004. This 1% difference aggravates the already existing pay compression between Lieutenants and Sergeants, plus past practice has been to provide Lieutenants with the same raise as granted to represented personnel. Therefore, a 1% increase is recommended for Police Lieutenants, retroactive for 2004, to address salary compression issues.

Pay raise recommendations for Management and Exempt employees: It is recommended that a 3% GPA be granted. It is also recommended that the maximums of these ranges be increased by 5.5%, with the minimums staying the same. Allowing Education Pay for Police Captains is recommended to recognize and compensate them for their education the same as nonexempt police personnel. This revises the last sentence in Section 10, Pay Rates, p. 13 (7): "This provision will not apply to positions in the Management Pay Plan."

Longevity Pay: Extending the same Longevity Pay package in the SEIU agreement to all non-represented positions is also recommended. This is shown in Section 10, Pay Rates, p. 14, (14).

The pay rates reflect negotiated 3% raises for represented employees, plus other negotiated salary items. Council has previously approved these measures.

The recommended raises and other items for nonexempt, non-represented employees, and Management and Exempt employees, have an estimated cost to the General Fund of \$609,990 in 2005 and \$1,139,610 for 2006, for a total of \$1,749,600 for both years. Staff will work with the City Manager and City Council to provide funding options for the Revised 2005 and 2006 budgets.

The title and job description amendments are either no-cost corrections and changes, or are included in the Revised 2004 or Adopted 2005 budgets.

- | | |
|-----------------------|--|
| Mayor Mayans | Mayor Mayans stated that there has been a request that this item be deferred. |
| Council Member Brewer | Council Member Brewer stated that there seems to be some questions among several of the Council Members regarding some of the items on this issue and would like to defer until the Council's next meeting. |
| George Kolb | City Manager explained that there is a pay set by contract process that they are going through, which is December 18 th and the next Council Meeting is not until December 21 st and if staff is allowed to go ahead and put that process in motion so that pay increases are not held up, staff can bring this ordinance back on the 21 st . |
| Gary Rebenstorf | Director of Law explained that this is the authorization to pay pursuant to those bargaining agreements and what the Council would have to do is to make the motion to defer this with the understanding that when this is approved any pay adjustments will be retroactive back to the 18 th of December to comply with the union agreements. |
| Motion--
--carried | Brewer moved to proceed and defer this item until the meeting of the 21 st and agree to make the payments retroactive back, which will be a total of three days. Motion carried 7 to 0. |

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PLANNING AGENDA

Motion-- Mayans moved that the Planning Consent Items 58 to 66 be approved as presented. Motion
--carried carried 7 to 0.

DR2004-14

DR2004-14-Urban Fringe Development Standards for Wichita and Sedgwick County.

John Schlegel

Director of Planning reviewed the item.

(Schlapp and Fearey momentarily absent.)

Agenda Report No. 04-1249

Many questions have been raised in recent years over what standards to apply to development occurring within Sedgwick County, with particular interest being shown to those growth areas within and adjacent to Wichita and other Sedgwick County cities. As a result, Wichita and Sedgwick County officials entered into dialogue with the Wichita Area Builders Association to reach agreement on guidelines pertaining to water and sewer systems, street paving and drainage, and annexation. The attached paper outlines the recommendations that came out of that dialogue.

As the standards are presented in the attachment, actions are identified that are needed to implement them. Toward that end, a repeated recommendation will be that, as appropriate, Wichita and Sedgwick County adopt the standards as part of their Unified Subdivision Regulations. Other actions that may need to be taken by Wichita and Sedgwick County are also identified.

Recommended policies under the heading of Water Supply and Service may require Wichita to review and possibly modify some current water financing practices.

Ordinances to amend the Unified Subdivision Regulations will need to be drafted to implement the recommended policies. The ordinances will be presented to the City Council for consideration after public notice, hearing, and recommendation of the Planning Commission.

Motion--
--carried

Mayans moved that the standards as presented be endorsed and Staff directed to take actions necessary to implement them. Motion carried 5 to 0, (Schlapp and Fearey absent).

ZON2003-66

ZON2003-66-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED EAST OF GREENWICH ROAD, ON THE SOUTH SIDE OF CENTRAL AVENUE ON THE SOUTHWEST CORNER OF CENTRAL AVENUE AND ELLSON STREET. (DISTRICT II)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 04-1250

MAPC Recommendations: Approve, subject to provisions of Protective Overlay #136, but with modifications to provision #7 (10-1)

DAB Recommendations: Approve subject to provisions of Protective Overlay #136, but with modifications to the MAPC's modification to provision #7 (unanimously)

MAPD Staff Recommendations: Approve, subject to provisions of Protective Overlay #136.

The applicant requests a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial with a Protective Overlay (PO) on the approximately 4.72 acres of the New Life Christian Church Addition. The applicant has no specific use proposed for the site. The site is currently developed as a church on the west side of the site. The eastern portion of the site is not developed. The site is located on the southwest corner of the Central Avenue – Ellson Street intersection, approximately 700-feet east of the Greenwich Road – Central Avenue intersection.

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There is "LC" zoning on three of the four corners of the Greenwich Road – Central Avenue intersection. The exception is the southwest corner, which is zoned "LI" Limited Industrial. This southwest corner is part of an area largely zoned "LI" Limited Industrial, extending south to Kellogg Avenue/US 54, north to railroad tracks located ½ mile north of 13th Street North and from Greenwich Road, west to Webb Road. The Raytheon/Beech Aircraft Company complex is the dominant development in this industrial area and in fact is one of the largest manufacturing/industrial complexes in Wichita/Sedgwick County.

The northwest corner of the intersection is developed as a bank with a drive through, zoned "LC", built in 1982. West of the bank is a marine dealership, zoned "GC" General Commercial, with a Conditional Use overlay, CU-300, built in 1987. North of the bank is an electrical substation, which is mostly zoned "LC".

The "LC" zoned northeast corner of the intersection is the partially developed 15.75-acre Community Unit Plan (CUP) Development Plan-232. This CUP is a mix of commercial and duplex uses. A Saturn car sales lot, built in 2000, occupies the CUP's corner by the intersection. East of the car sales site, still in the CUP along Central, is a retail strip, built in 2001. The retail strip contains a sit down restaurant, insurance office, hair salon, chiropractor's office, a whirlpool – cabinet sales shop and a vacant space. The rest of the eastern portion of the CUP along Central is not developed and sits north across Central from the subject site, ending approximately 1,110-feet from the intersection. The duplex use of the CUP is north of the previously mentioned undeveloped portion. All 11 lots of the duplex use were built in 1999 and are zoned "LC". A large church is located north of this CUP.

The LC" zoned southeast corner of the intersection, is the largely undeveloped 7.76-acre CUP DP-229. Its only development is a convenience store, built in 1999, occupying the CUP's corner by the intersection. The rest of the CUP, with frontage on Greenwich is not developed. East of the convenience store is a credit card gas station, built in 1999. The gas station is zoned "LC". The "LC" zoning extends east of this gas station and across Dowell Street to a vacant lot, which abuts the west side of the subject site.

The subject site's south side contains a large platted floodway. The property south of the floodway is zoned "TF-3" and developed with duplexes, built in 2001. "SF-5" zoning and urban scale single-family residential development, built in the late 1990s is located south of this "TF-3" zoning and also abuts the southeast portion of the subject site. "SF-5" zoning with large tract single-family residences and urban scale single-family residential development are northeast and east, across Ellson Street, from the subject site. Large tract single-family residential developments are on both sides of Central, east of the subject site, and were generally built before 1940. The urban scale single-family residential development occurred generally in the late 1970s and early 1980s. Further east along Central, on its south side, located at the mid-mile is a "GO" district with Protective Overlays (POs #33 & #51). This site has a motel and office.

The following is an outline of the case's history:

- (a) ZON2003-66 was first considered at the MAPC's February 19, 2004 meeting. The MAPC recommended (11-0) that the Staff and the applicant attempt to resolve some issues with the request and deferred action, at the applicant's request, on the case for 30 days. One person protested the zone change.
- (b) ZON2004-66 was considered at the District Advisory Board II's (DAB) March 1, 2004 meeting. DAB II deferred a recommendation on the case until the MAPC made a recommendation.
- (c) DAB II reconsidered this case at their April 5, 2004 meeting and again deferred action on the zoning change request, stipulating that the request would be reconsidered by the DAB after the MAPC considered the case at their April 8, 2004 meeting. One person at the DAB meeting requested more information in regards to how improvements on Ellson Street would affect him.
- (d) The MAPC reconsidered this case at their April 8, 2004 meeting and recommended approval (10-1) of the zoning change and the protective overlay, with changes to provision #7. The changes to provision #7 were; no access onto Ellson and eliminate the guarantee for the development of Ellson Street to City Standards. One person spoke in opposition to the requested zoning change at the meeting, if it required him to participate in paying for any improvements to Ellson Street that would be the result of the zone change.

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(e) Following the MAPC's recommendation, the applicant requested that neither the DAB or the Wichita City Council (WCC) consider the case until they had further consultation with their agent.
(f) DAB II reconsidered this case at their November 15, 2004 meeting and recommended approval of the requested "LC" zoning with PO #136. The DAB modified provision #7 of PO #136. The change to provision #7 was to allow one point of access onto Ellson and to have the applicant provide a guarantee for paving to the half of the Ellson Street right-of-way that abuts the subject site. The modification also allowed the church to continue to use both the existing drives onto Central Avenue, with full movement, until the site was redeveloped without a church. At that time access on the east existing drive would become right in-right out only.

In summary, the MAPC recommended the zoning change to "LC" with PO #136 and modified was to be provided by the applicant. DAB II subsequently recommended the zone change to "LC" with PO #136, but they modified provision #7 to allow shared access from all developments on the site onto one drive onto Ellson Street and that the applicant provide a guarantee for the paving of the half street of Ellson right-of-way that abuts the site's east side. DAB II further modified provision #7 to allow the church to continue to use both the existing drives onto Central Avenue, with full movement, until the site was redeveloped without a church. At that time access on the existing east drive would become right in-right out.

It will require two-thirds of the City Council members to vote to override the MAPC's recommendation.

Staff has received one e-mail letter of opposition objecting to the requested zoning change. The protester did not turn in an official protest; it lacked the needed signatures. The unofficial protest represents 02.24% of the net protest area.

Motion--

--carried

Schlapp moved to concur with the findings of the MAPC and establish the Protective Overlay District #136 with provision #7 modified to reflect the recommendation of DAB II and place the ordinance establishing the protective overlay district on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2003-66)

ZON2002-00069

ZON2002-00069-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHAGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL. GENERALLY LOCATED NORTH OF 31ST STREET SOUTH AND EAST OF THE KANSAS TURNPIKE (I-35). (DISTRICT III)

Agenda Report No. 04-1251

On February 4, 2003, the City Council approved a zone change request from "SF-5" Single-Family Residential to "LI" Limited Industrial for approximately three acres generally located north of 31st Street South and east of the Kansas Turnpike (I-35). Approval of the request was subject to the condition of platting the property within one year. An application to plat the property was approved by the MAPC on August 7, 2003. A six-month extension of time to complete platting subsequently was granted by Staff to allow additional time to confine a blanket pipeline easement on the property. The extended platting deadline was August 4, 2004; however, the applicant indicates in the attached letter from their agent that additional time is still needed to confine the pipeline easement. Therefore, the applicant has requested an additional one-year extension of time to complete platting. Such an extension of time to complete platting requires City Council approval.

Staff recommends that an extension of time to complete platting requirements be granted to August 4, 2005. The City Council may deny the request for an extension of time to complete platting. Denying

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the extension would declare the zone change null and void and would require reapplication and rehearing if the property owner still desired a zone change.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--
--carried

Mayans moved that the extension of time to complete platting to August 4, 2005 be approved. Motion carried 7 to 0.

ZON2004-00051

ZON2004-00051-ZONE CHANGE FROM LIMITED INDUSTRIAL TO SINGLE-FAMILY RESIDENTIAL. GENERALLY LOCATED NORTHWEST OF WEBB ROAD AND 43RD STREET NORTH. (DISTRICT II)

Agenda Report No. 04-1252

MAPC Recommendations: Approve. (Vote 9-0)

MAPD Staff Recommendations: Approve.

DAB Recommendations: Not Applicable.

The applicant requests SF-5 zoning on a 1.67-acre site. The site is currently zoned LI, and platted into two lots. The applicant intends to develop five single-family residential lots on the site. The application area is west of North Webb Road, and north of East 43rd Street North. North of the application area are SF-5 zoned large lots; the lot immediately north of the application area remains under agricultural production. South of the application area are platted SF-5 lots, with several homes built on East 42nd Street North. East of the site, across Webb Road, is the LI zoned Jabara Airport, and RR zoned agricultural land. West of the application area are platted SF-5 zoned lots.

MAPC heard this request on October 21, 2004, no members of the public spoke against the request, the MAPC voted 9-0 to approve.

Motion--
--carried

Mayans moved to concur with the MAPC and place the ordinance establishing the zone change on first reading. Motion carried 7 to 0.

ORDINANCE

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ZON2004-00052

ZON2004-00052-ZONE CHANGE FROM TWO-FAMILY TO GENERAL OFFICE. GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ST. PAUL AND ELM. (DISTRICT VI)

Agenda Report No. 04-1253

MAPC Recommendations: Approve. (Vote 9-0)

MAPD Staff Recommendations: Approve.

DAB Recommendations: Six, approve. (8-0)

The applicant requests a zone change for the subject property from "TF-3" Two Family to "GO" General Office. The subject property is a 0.9 acre platted tract that is located at the southeast corner of St. Paul and Elm. The subject property is currently developed with two residential structures. The applicant has not indicated the proposed future use of the subject property, but has requested that the property be rezoned so that it is in the same zoning district as the applicant's abutting properties to the east and south.

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The character of the surrounding area is dominated by Riverside Hospital, with commercial uses located to the south along Central and residential uses located to the north and west. The property to the north is zoned "TF-3" Two Family and is developed with a duplex. The property to the east is zoned "GO" General Office and is developed with a hospital. The property to the south is zoned "GO" General Office and is undeveloped. The properties to the west are zoned "SF-5" Single Family and are developed with single-family residences.

There were no speakers in opposition to the request at the DAB meeting on October 20, 2004, or at the MAPC meeting on October 21, 2004. Both the DAB and MAPC voted unanimously to recommend approval of the zone change.

Motion--
--carried

Mayans moved to adopt the findings of the MAPC; approve the zone change; place the ordinance establishing the zone change on first reading. Motion carried 7 to 0.

ORDINANCE

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ZON2004-00053

ZON2004-00053-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL SUBJECT TO PROTECTIVE OVERLAY #92. GENERALLY LOCATED SOUTH OF CENTRAL, ONE-HALF BLOCK WEST OF TRACY, 4425 WEST CENTRAL. (DISTRICT IV)

Agenda Report No. 04-1254

MAPC Recommendations:	Approve, subject to the provisions of Protective Overlay #92. (Vote 9-0)
MAPD Staff Recommendations:	Approve, subject to provisions of Protective Overlay #92.
DAB Recommendations:	Not Applicable.

The applicants operate an auto body repair shop on property zoned GC, General Commercial, subject to Protective Overlay 92, located at 4411 west Central Avenue (the southwest corner of Tracy and west Central). The application area (1/2 block west of Tracy, south of Central Avenue) is located just west of the applicants' existing auto body shop. The applicants are seeking to rezone the application area from SF-5 Single-family Residential to GC General Commercial to permit the expansion of their existing body shop. The site has been cleared, and the applicants have purchased the site. The site is platted as the west ¼ of Lots 1 and 3, Block 3, Parkwilde Addition.

Protective Overlay 92 contained the following development standards:

- A. Permitted uses are restricted to those uses permitted by-right in the "LC" Limited Commercial district plus "vehicle repair, general."
- B. All parking storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-ways.
- C. No off-site or portable signs are permitted.
- D. Exterior audio systems shall be prohibited.
- E. All vehicles that are not complete and visually intact or are stored more than 72 hours are to be screened from ground view from abutting/adjoining properties and from abutting streets. Screening shall be of a material approved by the Unified Zoning Code.
- F. Ten feet of right-of-way and complete access control along Central shall be dedicated.

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The application area fronts Central Avenue; sides onto land zoned commercial and used commercial; and back up to residentially zoned land used for single-family residential purposes.

The Metropolitan Area Planning Commission (MAPC) reviewed and approved, subject to Protective Overlay #92 detailed above, 9-0. No one spoke in opposition to the requested zone change. No protest petitions have been received.

There are no financial considerations.

Motion--

Mayans moved to concur with the findings of the MAPC; approve the zone change subject to the conditions contained in Protective Overlay #92 and place the ordinance establishing the zone change on first reading. Motion carried 7 to 0.

--carried

ORDINANCE

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ZON2004-54

ZON2004-54-ZONE CHANGE FROM LIMITED INDUSTRIAL TO GENERAL COMMERCIAL. GENERALLY LOCATED AT THE NORTHWEST CORNER OF EAST FIRST STREET AND OHIO, 1116 EAST FIRST STREET. (DISTRICT I)

Agenda Report No. 04-1255

MAPC Recommendations: Approve. (Vote 12-0)

MAPD Staff Recommendations: Approve.

DAB Recommendations: Not applicable.

The applicant is requesting to rezone a 0.35-acre site from "LI" Limited Industrial to "GC" General Commercial. This is a down zoning request in which the current zoning is less restrictive than the requested zoning. The application area is located on the northwest corner of East 1st Street and Ohio, and is developed with a church building, built in 1911.

The applicant plans to renovate the building for residential use. The "LI" zone does not permit residential uses, requiring this application for a zone change.

All properties surrounding the application area are zoned "LI". Several properties within several blocks in all directions retain legal nonconforming use status for residences. Two blocks west of the application area lies the "OT-O" Old Town Overlay district, which permits residences in "LI" base zoning. Immediately north of the application area is a single-family residence. South of the application area, across 1st Street, are warehouse and retail uses. East and west of the application area are office uses.

The application area falls within the environs of the locally registered historic Keen Cutter Building. Therefore the Historic Preservation Board reviewed this zone change request; the board had no issues.

MAPC heard this request on November 4, 2004, no members of the public spoke on this request, the MAPC approved by a vote of 12-0.

Motion--

Mayans moved to concur with the findings of the MAPC and place the ordinance establishing the zone change on first reading. Motion carried 7 to 0.

--carried

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ORDINANCE

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ZON2004-00055

ZON2004-00055-ZONE CHANGE FROM MULTI-FAMILY AND GENERAL COMMERCIAL TO LIMITED INDUSTRIAL AND FROM MULTI-FAMILY TO GENERAL COMMERCIAL, GENERALLY LOCATED SOUTH OF KELLOGG AND WEST OF WATER STREET. (DISTRICT I)

Agenda Report No. 04-1256

MAPC Recommendations: Approve. (Vote 12-0)

MAPD Staff Recommendations: Approve.

DAB Recommendations: Approve. (Vote 8-0)

The applicant requests a zone change for 1.41 acres that fronts Wichita Street from "B" Multi-Family and "GC" General Commercial to "LI" Limited Industrial. The applicant also requests a zone change for 3 acres that fronts Water Street from "B" Multi-Family to "GC" General Commercial. The subject property is platted and is located south of Kellogg and west of Water Street. The portion of the subject property proposed for "LI" zoning is currently developed with a parking lot. The portion of the subject property proposed for "GC" zoning is currently developed primarily with residential uses. The proposed use of the subject property is to expand the applicant's existing business, which is located west of the subject property.

The character of the surrounding area is dominated by the Kellogg Freeway and the various commercial uses along its frontage. The properties to the north are zoned "LI" Limited Industrial and "CDB" Central Business District and are being redeveloped as the "Waterwalk." The properties to the east are zoned "LC" Limited Commercial and "B" Multi-Family and are developed with a hotel and residential uses, respectively. The properties to the south are zoned "B" Multi-Family and are developed with residential uses. The properties to the west are zoned "LI" Limited Industrial and are developed with the applicant's business, BG Products, Inc.

There were no speakers in opposition to the request at the DAB meeting on November 1, 2004, or at the MAPC meeting on November 4, 2004. Both the DAB and MAPC voted unanimously to recommend approval of the zone change.

Motion--
--carried

Mayans moved to adopt the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2004-55)

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HELPING HANDS

SUB2002-97-PLAT OF HIS HELPING HANDS ADDITION, LOCATED ON THE SOUTH SIDE OF 37TH STREET NORTH AND WEST OF HYDRAULIC. (DISTRICT VI)

Agenda Report No. 04-1257

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

This unplatted site, consisting of one lot on 18.5 acres, is located within Wichita's city limits and is zoned GI, General Industrial District.

A financial guarantee has been provided for sewer, street and water improvements. In order to provide cross-lot access to the abutting property to the west, a Cross-lot Easement has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Cross-lot Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the document and plat approved and the necessary signatures authorized.
Motion carried 7 to 0.

21ST STREET CORR

ENVIRONMENTAL ASSESSMENTS FOR REDEVELOPMENT AREAS ALONG THE 21ST STREET NORTH CORRIDOR. (DISTRICTS I AND VI)

Agenda Report No. 04-1258

Environmental assessments are typically required as due diligence prior to not-for-profit or commercial property acquisition / land redevelopment. Phase I, and in some cases, Phase II environmental assessments will eventually be needed for the potential redevelopment areas that have been identified in the proposed 21st Street North Corridor Revitalization Plan (extending from Hillside Street on the east to Amidon Street on the west). The potential redevelopment areas contain a mix of public / not-for-profit and privately owned property. The Kansas Department of Health and Environment (KDHE) administers a Brownfield Targeted Assessment (BTA) program that would pay the cost of undertaking Phase I and Phase II environmental assessments for the potential redevelopment areas.

The use of the KDHE BTA program would not only save the City and the private sector investigation costs, but would also allow the assessments to be done in a more efficient and timely manner. Completing the assessments soon than later will enable potential redevelopment areas to be more quickly redeveloped at such time as marketplace forces warrant. Application for KDHE funding can be completed by MAPD and Environmental Health Staff, and requires only City Council approval to proceed.

There is no financial cost to the City. KDHE would conduct and fund the cost of the BTA (both Phase I and Phase II assessments). "In-kind" services (i.e. city support Staff time) may be required on the part of the City.

The Department of Law will review the application to KDHE prior to submission.

Motion--
--carried

Mayans moved that the application to KDHE for funding the Brownfield Targeted Assessment (BTA) program be approved and Staff authorized to proceed with the project. Motion carried 7 to 0.

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BOUNDARY RES.

DR2004-15-CITY OF WICHITA BOUNDARY RESOLUTION.

Agenda Report No.04-1259

The City of Wichita is required by Kansas State law to annually prepare a description of the corporate boundaries. The law requires that the description shall define the boundaries after incorporating all changes made through annexation or exclusions of territory since December 16, 2003.

During the calendar year 2004, the City of Wichita approved a total of twenty-three (23) annexations, with none (0) of those being unilateral. One (1) de-annexation from the City occurred in 2004. This added a total of 773.91 acres (1.209 sq. mi.) to the City and subtracted 79.87 acres (.124 sq. mi.) from the City, resulting in Wichita corporate area of 155.027sq. mi., as of December 31, 2004.

City Engineering Staff has prepared a legal description of all territory annexed into the City of Wichita during 2004.

K.S.A. 12-517 requires that for any year in which any territory has been added or excluded from any city, the governing body of such city shall declare, by resolution, the entire boundary of the city.

Motion--carried

Mayans moved that the City of Wichita boundary resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-677

A Resolution declaring, establishing and defining the City Limits and Boundaries of the City of Wichita, Kansas, after all annexations of territory and exclusions of territory since December 16, 2003, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0, Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

AIRPORT AGENDA

Mayor Mayans

Mayor Mayans requested that these two items be deferred in order to visit with Bailis Bell before signing any contracts.

Motion--carried

Mayans moved to defer items 67 and 68 until next week. Motion carried 7 to 0.

(Item 67.)

THE BOYD GROUP

AIR SERVICE CONSULTING SERVICES, THE BOYD GROUP/ASRC, INC.

(Item 68.)

SABRE CONSULT

AIR SERVICE CONSULTING SERVICES-SABRE CONSULTING.

CITY COUNCIL AGENDA

BOARD APPTS.

BOARD APPOINTMENTS.

Motion--
--carried

Mayans moved to appoint Council Member Martz to the Joint County/City Manager Task Force Flood Plain Management. Motion carried 7 to 0.

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EXECUTIVE SESSION

Motion-- Mayans moved that the City Council recess into Executive Session at 2:08 p.m. to consider: consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending litigation and legal advice and that the Council return from Executive Session no earlier than 2:25 p.m. and reconvene in the City Council Chambers at City Hall. Motion carried 7 to 0.

--carried

RECONVENED

The Council reconvened in the Council Chambers at 2.25 p.m. Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved to adjourn the Executive Session at 2.25 p.m. Motion carried 6 to 0, (Brewer absent).

Motion--carried Mayans moved to adjourn the Regular Meeting. Motion carried 6 to 0, (Brewer absent).

Adjournment The City Council meeting adjourned at 2.26 p.m.

Karen Sublett
City Clerk